UNIVERSITY OF PENNSYLVANIA

THE PUBLIC CAREER OF SIR FRANCIS BURDETT

The Years of Radicalism, 1796—1815

JOSEPH S. JACKSON

A THESIS

IN HISTORY

PRESENTED TO THE FACULTY OF THE GRADUATE SCHOOL IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF DOCTOR OF PHILOSOPHY

PHILADELPHIA
1932

THE PUBLIC CAREER OF SIR FRANCIS BURDETT

The Years of Radicalism, 1796—1815

A THESIS

IN HISTORY

PRESENTED TO THE FACULTY OF THE GRADUATE SCHOOL IN
PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR
THE DEGREE OF DOCTOR OF PHILOSOPHY

UNIVERSITY OF PENNSYLVANIA

JOSEPH S. JACKSON

PHILADELPHIA
1932

R. UNIV.
BIBLIOTHEEK
LEIDEN

CONTENTS

Chapter		Page
I	*THE FIRST YEARS IN PARLIAMENT, 1796-1802*	1
II	*THE CONTESTED MIDDLESEX ELECTIONS, 1802-1806*	31
III	*MEMBER FOR WESTMINSTER, THE REWARD OF A REFORMER, 1807-1809*	67
IV	*A NATIONAL FIGURE, THE AFFAIR OF 1810*	99
V	*A CHAMPION OF REFORM, 1810-1815*	149
	BIBLIOGRAPHY	204

Digitized by the Internet Archive
in 2026

https://archive.org/details/IA41550001_0009

I.

THE FIRST YEARS IN PARLIAMENT; MEMBER FOR BOROUGHBRIDGE, YORKS.

On the twenty-third of March, 1797, a new member of Parliament rose for the first time in the House in order to second a motion of Charles James Fox that "An humble Address be presented to his Majesty, that his Majesty will be pleased to take into his royal consideration" the disturbed state of Ireland and consider measures for reconciliation. The young man concluded his speech by saying that unless the motion which he was seconding was adopted, and the present ministers removed, "I do not know that this country will be long in a situation in which it can be said to be worth the saving."*

The man who took this gloomy view of the situation was Sir Francis Burdett, aged twenty-seven, member for Boroughbridge in Yorkshire, who had taken the seat, purchased for him by his father-in-law, Thomas Coutts, the banker, from the Duke of Newcastle, in the previous October.**

His first speech was evidently prepared beforehand. Although it doubtless had sufficient vigor to attract attention, it must have seemed to the members of the House a typical utterance of a young and hot-headed man. They could not then know that Burdett would remain young and hot-headed; that his speeches throughout the next twenty years would always be sufficiently startling to bring members into the House; that his remarks would be so novel coming from a member of the landed gentry, that when he spoke

> "The surly squires resigned their port and ran
> To hear the dangerous but large-acred man." ***

*Parliamentary History, vol. XXXIII, p. 155, *et seq.*

**Tegg, Thomas, Memoir of Sir Francis Burdett, p. 3. Patterson explains the negotiations for the seat, Patterson, M. W., Sir Francis Burdett and His Times, vol. I, p. 36-39.

***Jennings, G. H., Anecdotal History of the British Parliament, p. 209.

Sir Francis Burdett was to become the leader and spokesman of the mass of British subjects who were then unrepresented in the House of Commons. In 1797 not only were they unrepresented but one of the means of securing representation, a petition drawn up at a public meeting, was also denied to them. The country had now been for three years at war with France. War had been the excuse for curtailing the liberty of the individual. Although at the moment the people had the guarantee of *habeas corpus,* the freedom of the expression of grievances both on the platform and in the press had been greatly reduced by the passage of "the two acts" in November 1795.*

The position of the Tory party in the government was impregnable; the prime minister, William Pitt, whose poor management of the war had led to the military and naval disasters of 1794 and 1795 was growing more proficient; and the whigs were uncertain in their policies. They had manfully opposed the punishment of the Scottish "martyrs" in 1793. One of their number, Erskine, had defended the Englishmen whom government had designed for the same fate. Erskine had secured the acquittal of Hardy, the shoemaker, of Tooke, who became Burdett's mentor, and of Thelwall, the lecturer, by a Tory jury in the autumn of 1794. Fox and Grey believed that if these men were found guilty, their own freedom might be in jeopardy. The experience had seemingly made them a little wary of too much opposition.** They had opposed the passage of the two acts, but with those now on the statute books, their opposition was of necessity confined to parliamentary speeches. What chance had they there to make any impression on the majority? Fox's motion which Burdett seconded was lost by a vote of 220 to 84. There was but slight consolation in the fact that Pitt himself had taken the trouble to answer both the speeches.***

*Cf. Jephson, Henry, The Platform, vol. I, p. 250, *et seq.*
**Trevelyan, G. M., Lord Grey of the Reform Bill, pp. 81-93.
***Parliamentary History, vol. XXXIII, p. 155, *et seq.*

The Whigs made one more effort to maintain their principles and carry out their program. This proved the occasion for Burdett's second speech, a much longer one than the first. 26 May, 1797, Sir Charles Grey came forward with a concrete plan of parliamentary reform. It provided for triennial parliaments, the abolition of rotten boroughs, and an increased number of county members; for a household franchise in the boroughs; for the extension of the county franchise to certain classes of leaseholders and copyholders; for the creation of single-member constituencies; and for the abolition of plural voting.* His proposal, with its increase of county members rather than the grant of seats to the rapidly growing urban manufacturing centers, was reminiscent of the past rather than prophetic of the future. Such reform had been advocated by both Lord Chatham and his son in the days before the French revolution. But now the son spoke for a Tory administration. When Erskine had seconded Grey's motion, Pitt referred to his own earlier opinion.

"Whatever may have been my own former opinion, am I to be told that I am inconsistent if I feel that it is expedient to forego the advantage which any alteration may be calculated to produce, rather than afford an inlet to principles with which no compromise can be made; rather than hazard the utter anihilation of a system under which this country has flourished in its prosperity, by which it has been supported in its adversity, and by the energy and vigour of which it has been enabled to recover from the difficulties with which it had to contend."**

Pitt then, and later, specifically referred to the followers of Tom Paine, whose name by this time had become a label for all things dangerous to the established order of things. Men who talked of liberty aimed, in the opinion of the Prime Minister, merely at licentiousness. He may have had in mind the mutineers still in open defiance at the Nore.*** Or perhaps he was thinking of Charles James Fox, seated opposite, who but three days before had seemed to deprecate any kind of restriction when he

*Parliamentary History, vol. XXXIII, p. 644-52.
**Ibid., p. 673.
***The second mutiny of the year broke out 20 May.

said:

> Do you think you have gained a proselyte where you silence a declaimer? No: you have only by preventing the declaration of grievances in a constitutional manner, forced men to more pernicious modes of coming at relief. In proportion as opinions are open they are innocent and harmless. Opinions become dangerous to a state only when persecution makes it necessary for the people to communicate their ideas under the seal of secrecy.

In this debate on Grey's proposals Fox reserved himself until the end. It was Sir Francis Burdett who rose to answer Pitt's long speech, "his turnings and windings," Burdett called it. This his second speech proved to be a statement of his general position with regard to the rights and liberties of the people which he wanted to protect from "the undue influence of a junto of nobility and placemen". Wanting to do this and to preserve the country from ruin, "I shall speak my sentiments candidly and unequivocally. I shall speak boldly, for the times call for bold and uneqivocal language. I do not look for the applause of the House, nor do I expect to be supported by any clamour out of it. I shall speak on behalf of the people of this country, whose interest it is my object to promote." Perhaps feeling his youth but wishing to impress, he continued: "I should be young indeed in my contemplation of the human character, if I expected that such behaviour could lead to favour." Though he does not intend to follow the minister through his turnings and windings, he takes time to flay Mr. Pitt especially on the "war which . . . is another bold and daring but unsuccessful attempt to stifle the flame of liberty. The minister attempted to restore monarchy in France; he has procured its utter annihilation there. He endeavored to destroy the principles of the French Republic; he has established them on a basis never to be shaken." But Burdett fears that people in England may be content with a change of men and measures without a "full, fair, and free representation," that is, parliamentary reform. He concluded with words which even in the pages of the PARLIAMENTARY HISTORY echo the vehemence of their delivery.

Perhaps I may be told that monarchy itself cannot be supported without corruption. If that be so, then I for one am a republican. Liberty can never flourish where there is corruption in the government. Liberty is in my mind the most valuable jewel in human life. It is what I value more than life. Without it life itself is of no value, and with it poverty is preferable to wealth without. I prefer liberty to servile pomp. I will therefore while I live, use every means in my power to obtain for the people their just rights. I warn them not to be the dupes of corruption. It is not ministers that I wish to oppose; it is corruption that I wish to destroy.*

Thus Burdett concluded a speech which though fiery had included much statement of fact to support it, as, for example, the careful way in which he pointed out how the ancient English Constitution had been of late subverted by corruption. The biographer of a friend and younger contemporary of Burdett remarks that at the time the baronet first advocated reform and condemned corruption

none but the most sanguine would think of entertaining such a project. But Sir Francis Burdett ventured to persuade himself that he might live to participate in the fame of having contributed to the consummation of so great an event. This led him to become a frequent and energetic speaker in the House of Commons — and outside. Whether on the hustings at Covent Garden or at the Crown and Anchor in the Strand, Sir Francis Burdett was to be found as the chief and most favoured orator.**

The desire for popular favor is perhaps the motive behind Burdett's brief comments in many debates in the next few years.

Following the defeat of their concrete plan of reform, Grey and the older leaders of the party confessed the uselessness of opposition and vowed to give up regular attendance at the House. *** Grey spoke no more in the House until February 1799, when he made two speeches on the proposed union with Ireland. Fox, it seems, would have been equally silent had it not been for the fact that he represented Westminster. The request of his constituents made it necessary for him to speak twice during the

*Parliamentary History, vol. XXXIII, p. 681, *et seq.*
**Hardy, Memoir of Lord Langdale, vol. I, p. 255.
***Lord Holland, Memoirs of the Whig Party, vol. I, p. 84.

winter of 1797-98 against the proposed increase of the assessed taxes. In April he spoke in debate on the slave trade, and in June he again protested against a policy of coercion in Ireland. On 4 January he repeated his attitude toward parliamentary reform. But, as he said, he thought it useless to do so in the present state of affairs. Indeed, he would not attend debates, for why should he by his attendance give countenance to the idea that there was in parliament a free unbiased opinion and that it was not under the influence of the crown.* If the leaders were depressed by the state of affairs, some of the younger men were at least not so silent. To keep up the opposition in debate there were Curwen, Erskine, Tierney, Sheridan, and Whitbread. Sheridan and Tierney particularly were much in evidence when Grey and Fox were absent.

Sir Francis Burdett also found opportunity to express his opinions. A few days after the defeat of Grey's proposals, Government introduced a measure which was designed to curb the mutiny at the Nore. The bill was to restrain intercourse with ships in mutiny. This was an occasion for Sir Francis to express himself as "opposed to all increase of the penal laws of any nature; for they would only inflame those who were already irritated, and would increase instead of diminishing the evil."** This reflects the sentiments of Fox in his speech of the previous May 23.*** Burdett's admiration for Fox was expressed some years later, when in a speech on the hustings 2 August, 1804, he referred to him as "the greatest character in this country, whose virtues and abilities are so transcendant as to hold him out as . . . an object of esteem and admiration . . . (in him) is combined everything that is distinguished for talent, knowledge, and profound sagacity."****

The assessed taxes bill gave Burdett an opportunity to express at greater length his disgust with Government. At that time he

*Parliamentary History, vol. XXXIV, p. 1237.
**Ibid., vol. XXXIII, p. 818.
***Cf. ante, p. 4.
****Report of the Speeches of Sir Francis Burdett, etc., p. 29.

said he opposed the bill because "I detest the purposes they (the increased taxes) are intended to promote — the prosecution of this disgraceful war and the support of the infamous system of corruption; these are the accursed ends for which the people of this country are to groan beneath a load of increased taxes." Before he sat down he referred to Irish affairs. The evils of Ireland, he sees, are spreading to England. To prove it he cites the case of Daniel Holt, who has suffered a four year imprisonment with a heavy fine to be paid before he can be released— a fine which it is impossible for such a man, a printer, to pay. This he takes to be unconstitutional, as well as the sending him to a prison one hundred miles distant from the county in which he was tried. This he does not believe the Executive has the right to do, especially since his offence was the reprinting resolutions which on a former occasion were either drawn up by Pitt himself or had publicly received his sanction and approbation. If the ministerial policy persists, Burdett is sure it must eventually destroy the freedom of the country.*

He does not speak very frequently during this year, 1798, but the debate on the redemption of the land tax brings him to his feet to defend the landed people against what is "nothing less than a bill for the confiscating all the landed property of the country. . . . The landed people already have sufficient of a burden on them, so that it is difficult for them to keep up their place in society."** Here Burdett, the landowner and country-gentleman, clearly speaks, but it was not a position that he often took.

On the 11th of June he is defending Arthur and Roger O'Connor against the charges of treasonable acts in Ireland. Roger O'Connor was a friend, Burdett said in his first speech in the House. The Irishman remained his friend and supported him in the dark days of the spring of 1810.* That there was no charge against Roger O'Connor in 1798 Burdett said he could

*Parliamentary History, vol. XXXIII, p. 1155, 3 January, 1798.
**Ibid.*, p. 1452, 30 May, 1798.
****Cf. post,* chapter V.

prove, for he had it under Mr. O'Connor's own hand. But the two O'Connors, or at least Arthur, were implicated in the Irish Nationalist schemes for a French invasion. Burdett's connection with them was used as a charge against him in the Middlesex elections.*

Perhaps the greatest work of Burdett was done in connection with the defence of the liberty of the individual against wartime repression. True he supported and sometimes initiated proposals for reform of parliament, but he made more speeches and secured more publicity for the freedom of the individual than he did for the more specific cause. His first opportunity on this question came on the 13th of June, 1798. The House was debating a newspaper regulations bill. Burdett said there was but a small portion of liberty remaining to the country; that he could not allow the bill to come to a vote without giving it his opposition, especially since it came at a time when Government was presumably desirous of keeping its conduct from public investigation. "Sir," he said, "a good government has nothing to apprehend and everything to hope from the liberty of the press. . . . But despotism courts shade any obscurity: it dreads the scrutinizing eye of liberty. . . ." But there is stronger speech to follow.

> Sir, if a tyrannically disposed prince, supported by an unprincipled, profligate minister, backed by a notoriously corrupt parliament, was to cast about for means to secure such a triple tyranny, I know of no means he could devise so effectual for that purpose as the bill now upon your table.**

There were no names mentioned but the inference was that the tyrannically disposed prince was that George the Third of Patrick Henry's famous speech in the Virginia House of Burgesses. If Burdett's hearers did not, like Henry's, cry "Treason, treason!!", they found a spokesman in Wilberforce. He was, good "saint", "shocked at the language used by the honourable

*Speeches of Sir Francis Burdett, etc., p. xiii-xv. *Cf.*, also Colchester, Diary, vol. I, p. 147, also vol. II, p. 254.

**Parliamentary History, vol. XXXIII, p. 1483, *et seq.*

baronet." Wilberforce suggests that already Burdett's voice "expressed the sentiments of a large class of the community." He also comments on his (Burdett's) irregular attendance when the bill was discussed in its other stages, "where the hon. baronet might have more properly offered his objections." Here, too, is forecast what was to be a constant complaint of both his own following and his opponents in later years. Wilberforce is convinced that Burdett is talking for people outside: "these objections and the glowing language in which they were enforced must be intended to have their influence and operation elsewhere."* It was with "anguish of mind" that the speaker made these observations. That the speech of Burdett did have influence out of doors is evident from the fact that a contemporary writer in collecting opinions expressed by the ministry included in his collection an extract from the "very spirited speech of Sir Francis Burdett on the bill for the infringement of the Liberty of the Press."**

The debate, 20 November, 1798, on an Address of Thanks for the King's Speech from the Throne gave Sir Francis an opportunity to speak in even more bitter opposition to the government. Although he concurred with them in rejoicing at the recent victories of Nelson, "he could rejoice in them only if they were for peace, not if the ministers sought to instigate the country to continue the war." He called attention to the many and weighty grievances on the part of the people of England of which he had to complain. Yet these grievances were the work of a government which in the proposed address

> we were not called upon barely to submit to; but with zeal and affection to support. He could not fall down with vile prostrations before His Majesty's throne, and like a trembling slave lick the dust from off his feet. If His Majesty was sincere in wishing to promote that unanimity amongst all ranks of his people so desirable at all times, so necessary at the present time, let the people be restored to their rights and liberties — let the old law of the land be again made the rule of action . . . and let the blessings of liberty be secured by a full, free and fair representation of the people

*Parliamentary History, vol. XXXIII, p. 1483 *et seq.*
**Bannantine, Opinions of His Majesty's Ministers, p. 128.

in parliament. . . . At such a time and under such circumstances, to call upon free men for unconditional support was only adding mockery to insult, and injury to oppression.*

Debates on the suspension of *Habeas Corpus,* gave him opportunity to express again his jealousy of any interference with the liberty of the individual. When he first spoke in these debates it was relative to prison conditions, a subject to which the House had been introduced by a previous speaker.** But on 13 February, 1800, he spoke to the question, when he said "he had not language to express what he felt at the continued suspension of the *Habeas Corpus* Act. If any part of our Constitution was preferable to another, it was this act, which when removed, left very little difference between one government and another." Continuing, he wonders what William Pitt the Elder would have said to such a suspension.

If that illustrious character were now alive the thunder of his eloquence would shake the House about their ears, and the avenues would be crowded with auditors impatient for the decision. That great man, speaking of the freedom of England declared it consisted in this — that the cottage of the poor man was as secure as the palace of the prince, that though the walls were of mud, and the rain and the wind of heaven beat in through its scanty roof, yet it was a fortress, an impregnable fortress secure from the power of the King. He (Pitt) would raise a storm from which members would be glad to hide their heads and hasten to their homes. He (Sir Francis Burdett) would yet do his utmost to stop that system of tyranny and corruption which fastened on the country. There had been much talk lately of Jacobinical principles and declaration against them, because of their injustice. The principles of government were common to all countries; if injustice constituted Jacobinism in France, it also constituted Jacobinism in England, for never was there greater injustice than ministers had displayed in their conduct. As for *habeas corpus* it would be better to repeal the Habeas Corpus Act altogether than to continually vote its suspension. The repeal would not change the law of the land, the suspension did. The Habeas Corpus principle in common law would still remain, which it did not now do. There was no part of the constitution which ministers had not violated. They had left the country nothing but its corruptions.***

*Parliamentary History, vol. XXXIII, p. 1555.

**Ibid.*, vol. XXXIV, p. 120.

***Parliamentary History, vol. XXXIV, p. 1468 *et seq.* Part of the speech is omitted from the Parliamentary History, but is found in the Courier and Evening Gazette, 14 February, 1800.

In these few years Burdett was adopting, probably perfectly sincerely, an acidly critical and denunciatory tone which though it did not perhaps change votes, must have been a constant irritant to ministers and their followers who might otherwise, with most of the Whigs in seclusion, have looked forward to placid progress for their proposals. Perhaps, as one of their supporters, Lord Belgrave, said, they despaired of reasoning with him "who saw nothing but liberty in Jacobinism, and nothing but slavery in the British Constitution."* But the baronet could not speak otherwise, for he had been, as he said at a later date, "day after day a witness of the enregistering of edicts all tending to the destruction of liberty, of property, and of the remnant of that which formerly went by the name of the British Constitution."** It was not, indeed, the British constitution which he attacked. All his plea was for the restoration of the constitution to its ancient strength and meaning. Here was the medicine which Burdett during the years of his so-called radicalism would prescribe for all the ills of the state.

When it was now once more proposed to renew the suspension, he wished to call to the House's recollection what had been its effect in Ireland. The union with Ireland had been agreed to in May, 1800, after it had been discussed for over a year. The King's message recommending the consideration of the Irish situation with a view to providing a satisfactory permanent settlement had been presented to the Commons 22 January, 1799.*** The next day, when debate began, it was on Sheridan that the burden of opposition fell. He carried it throughout the days of discussion. Burdett apparently was not much interested in the question itself. When he spoke, 22 April, 1799, it was to attack the administration. To consummate the union because of a conviction of its advantages in the minds of the people of Ireland would restore peace and liberty and justice in that country. But to bring about that union by a "mere hollow vote of

*Parliamentary History, vol. XXXIV, p. 1479.
**_Ibid._, vol. XXXV, p. 1282. 14 April, 1801.
***_Ibid._, vol. XXXIV, p. 208.

a corrupt parliament, seconded by military power" would be only too consistant "with the whole system which had been recently acted upon and which had produced such disgraceful horrors in the sister kingdom."* Pitt, to Burdett's mind, was the last man to effect the union, "but there was a man whom disgust had driven from our councils who did possess every advantage in a striking and singular manner." This man was presumably Fox. Burdett concluded his speech by insisting that all hope of reconciliation or any other good from the union would be completely lost if one hundred members from Ireland, elected by corrupt means and under the restrictions of a militia, should be added to the already corrupt English parliament. In addition "all hopes of reform, all hope of redress would vanish and the two countries even in spite of themselves be forced to mutually oppress one another."** At the end of the day's debate the House of Commons joined the Lords in their reply to the King's message and on 26 April, the King notified them that he would take the earliest opportunity of communicating the proposition for a full and complete union to the Parliament of Ireland. The history of that union and of William Pitt's broken promise and consequent resignation in the year following (since Sir Francis Burdett had but little further part in it) has no place in this account. The Act of Union received the royal assent 2 July, 1800. Later writers have deplored the fact that the opposition to the proposal was not more marked.*** That there was opposition, the day-by-day debate reveals. But even Burdett spoke against the proposals but once; Tierney spoke twice; Sheridan had the floor eight times.

Before the debate on the union was concluded, the question of what Government chose to call seditious societies was again

*Parliamentary History, vol. XXXIV, p. 954.
**Ibid.*, p. 956.
***Harris, History of the Radical Party in Parliament, pp. 66-68.

before the House.* A Committee of Secrecy had reported on the societies 15 March, and now Pitt moved that leave be given to bring in a bill for the more effectual suppression of societies established for seditious and treasonable practices, and another bill to continue the conspiracy act passed the last session.** Tierney alone opposed the bill. If only Mr. Pitt would "declare his attachment to a moderate and temperate reform in parliament" it would be of the greatest advantage. "If he (Pitt) should now give notice that whenever peace arrives, he will take up the subject, (of reform) this would take away from those who wish to create discontent all pretext for what they are doing." In this debate Tierney's was a lone voice. Some speakers indeed thought that Pitt's proposals did not go far enough.*** But at the end of the debate — if one could call it such — the PARLIAMENTARY HISTORY records "The resolutions were agreed to, and the said bills were afterwards brought in and passed."**** It is rather surprising that on such a subject Burdett had not a word to say. Perhaps he was absent, and perhaps it was this absence or chagrin for it which brought him to the House two days later to speak against the proposed Irish union.

Burdett did not speak again until 25 June, and then to an almost empty house and on a less controversial theme. Perhaps there is significance in the fact that we find his speech this day is without passion, almost conciliatory. Is it fair to suggest that this may have been due to the scant audience? It was on the proposal of a bill for forfeiture for high treason. Burdett concluded a speech against it with the hope that "as no urgent ground has been proved for the immediate necessity of the measure, we should not be induced to adopt it, on the supposition that we were merely adopting what had been in force before."*****

*PARLIAMENTARY HISTORY, vol. XXXIV, p. 984.
**Ibid.*
***Ibid.*, p. 992. Col. Hope and Mr. Abbot are two examples.
****Ibid.*, p. 998.
*****Ibid.*, p. 1078.

Of those questions with which Burdett concerned himself during these years when he was member for Boroughbridge, that which attracted most attention concerned the conditions in the gaols and prisons. The first mention of this problem was made by Burdett in a speech on the Newspapers Regulation bill, 13 June, 1798, when he called attention to ". . . those bastilles which disgrace the face of the country — those private prisons where, under the pretence of regulation, punishments are inflicted upon men as illegal as they are cruel and unjust." He stated at that time that he could not forbear mentioning it and indeed that he would be careful to mention it upon every occasion.* Before the year was out he was again appraoching the subject by moving, 10 December, for a list of persons in gaol under the Habeas Corpus Suspension Act.** When, 21 December, be made his first speech in opposition to the suspension, he remarked that though discussion of prison conditions was not strictly in point he might feel it necessary to move an inquiry on the subject.*** A specific prison is now mentioned for the first time: Cold-bath Fields.

A certain Mr. John Courteney had first introduced the subject of prisons into the debate on Habeas Corpus. When the House met again the day after Christmas, Boxing Day, this gentleman rose to present a corroboration of his statements on the previous occasion. This was in the form of a statement from a Mrs. Despard, wife of a Colonel Despard, to the effect that her husband had been confined nearly seven months in a damp cell, not seven feet square, without either fire or candle, chair, table, knife, fork, a glazed window, or even a book to read. She had made several applications to the under-secretary in person and by letter to the Home Secretary, but to no purpose. About 20 November Despard was moved into a room with a fire at the intercession of a friend, but this was not until the

*Parliamentary History, vol. XXXIII, p. 1485.

**Colchester, *Op. Cit.*, vol. I, p. 165. There is no mention of this in the Parliamentary History.

***Parliamentary History, XXXIV, p. 120.

prisoner's feet were ulcerated by frost. Mrs. Despard said she wrote the letter without her husband's knowledge, " 'as even his jailor will bear witness that he has never made any complaint of his treatment.' " Mr. Courtney had seen him and the prisoner had made no complaint. The Attorney General — then Sir John Scott, afterwards, July 1799, created Lord Eldon*—insisted that Colonel Despard had the usual treatment of those committed for high treason. Remarking that "By the way, there were some wives who had met with much indulgence in not being taken up and confined as well as their husbands," he even doubted that the letter quoted had been written by Mrs. Despard or that she understood its meaning. "It was a well written letter and for a certain purpose well adapted; and the fair sex would pardon him if he said it was a little beyond their style in general." Mr. Wilberforce "tut-tutted" that members of that House were "or appeared at least friendly to persons of such a stamp (as Colonel Despard)"; but Sir Francis Burdett replied at once that conditions in Cold Bath Fields were as bad or worse than they had been stated and "he could not see that the charge of any particular species of guilt could afford any justification for such cruel treatment." Two other speakers followed. The last, Mr. Canning, was satirical and scathing both with respect to Mr. Courtney and Sir Francis, insisting that they must carry on further investigation, for so far every statement made by them had been completely refuted.** The matter dropped then; the House proceeded with the bill for the suspension of *Habeas Corpus.*

The case was not forgotten, for 25 February, 1799, Mr. Courteney presented a petition from Edward Marcus Despard, setting forth his complaint and praying that the House examine him touching the matters of which he complained. Without any recorded comment the petition was ordered to lie on the table.***

*Sir John Scott was Burdett's fellow-member for Boroughbridge.

**The debate on Colonel Despard's case is found in the PARLIAMENTARY HISTORY, vol. XXXIV, pp. 125-131.

****Ibid.*, p. 515.

Something must have impressed Government, though there is nothing in the record, for 6 March, Mr. W. Dundas moved for a committee "to inquire into the state of his Majesty's prison in Cold Bath Fields, Clerkenwell, and to report the same as it shall appear to them together with their opinion thereupon to the House; and that Colonel Despard's petition be referred to the same committee." Sir Francis Burdett expressed his satisfaction that the matter was likely to become the subject of parliamentary investigation.* Mr. Dundas made the report for the committee, 19 April. It stated that the committee had found none of the conditions complained of to be true, that Colonel Despard's health could not have been much affected, for he had never applied for medical attention, etc., etc., and concluded that the result of their investigation had been "a full and direct refutation of unfounded statements and absurd and wicked reports which have continually been industriously circulated with respect to the prison and its internal management."** On 21 May, Sir Francis Burdett unsuccessfully moved for a new inquiry.***

Another occasion for mooting the prison question did not present itself until 13 February, 1800, when the Attorney General—now Sir John Mitford—moved renewal for the suspension of Habeas Corpus which was to expire 1 March. Burdett spoke in this debate to indicate that he had not forgotten the prison question.**** But it was not until 22 July that he rose to move "that this House will tomorrow resolve itself into a committee of the whole House to inquire into the State and Management of the prison in Cold Bath Fields."*****

The speech with which he introduced his motion should have made his hearers writhe. It was scarcely in good taste if bald

*Parliamentary History, vol. XXXIV, p. 566.

***Ibid.*, p. 981.

***Colchester, *op. cit.*, vol. I, p. 156.

****Parliamentary History, vol. XXXIV, p. 1468.

*****Ibid.*, vol. XXXV, p. 463. The writers and printers of the Parliamentary History seem to have found and tried every possible combination in the arranging of the words Cold Bath Fields.

facts are not good taste, and certainly they were not the usual matter of parliamentary discourse. These facts if true were ghastly. He spoke of men, naming them, who had starved to death, and of a wretched woman, prosecutrix and not criminal, who, "from the unparalleled barbarity of her keepers had even become incapable of the purpose for which she was confined, and was unable to give evidence against the man who had attempted to ravish her." She had lain naked because her only rug had been taken to cover a woman in labor. The magistrates had supposedly investigated the cases, but according to Burdett they had been duped by Aris, Governor of the prison, and his son. He had found and he cited evidences of venality and the corruption of the magistrates' inquiry and reports.

The Attorney General, who replied to the baronet, glossed over the cases of the men who had died from starvation, and omitted any mention of the woman. There were other speakers for the administration. Finally Tierney recommended that instead of the motion an humble address he voted to his Majesty praying that he would be pleased to order an inquiry. Sir Francis withdrew his motion. The motion for an address was put and carried. The Attorney General had said that the House in making an inquiry would be interfering in what was the province of the executive government. Now the initiative was given over to that part of the government. During the debate Pitt himself had admitted that there was ground for the address. The session closed a week later and with it any possibility of an immediate inquiry. Parliament met again at the beginning of November, and early in December, the Attorney General moved for leave to bring in a bill for continuing *Habeas Corpus* suspension which was to expire the following February. Sheridan opposed it; he spoke of the persons in dungeons throughout the country. Mr. Tierney elaborated on the condition of persons confined on suspicion. Just before the division on the motion, Sir Francis Burdett replied to a member who had said his statements made the previous July were entirely unproved. Sir Francis said when he had made them he had offered to prove them. He meant to

bring the question again before the House.* 15 December, while the bill for further suspension was proceeding on its legislative course, Sir Charles Grey presented a petition from one Paul Thomas LeMaitre who had been in Cold Bath Fields. This petition was not even received. The prison question for the time being was taken from House of Commons to the hustings.

Meanwhile there had been two debates which are of interest in the story of Sir Francis Burdett. When Parliament opened 11 November, 1800, Government was confronted by two pressing questions: first, what to do in the face of a serious shortage of food, and second, whether this shortage and the prohibitive prices it created could be remedied except by the restoration of peace.

The debate on the Address of Thanks for a speech which had mentioned both questions reveals the Whig leaders again present. Sheridan urged unanimity in the Opposition, and Grey clearly indicated that he considered Burdett a member of the party. This accord was voiced when the baronet had made a speech sharply critical of the Administration. It was impossible, he said, to agree to the Address when ministers had introduced into the Speech from the Throne a phrase which claimed that the uniform tenor of their conduct had been influenced by a desire for peace.

> The general cry at this moment was for bread, and this cry was owing to their (the ministers') forestalling of produce, to their monopoly of wealth. They were now starving one half of the country in order to corrupt the other. He wished to point out the cause for the present distress and famine and he had no difficulty in doing it. He had not far to look for it. (Looking at Mr. Pitt.) It was seated on the Treasury bench. . . . As the Adress went to approve the conduct of those to whom the public owed all its calamities, he should most strenuously oppose it.

Later in the day the House resolved itself into a committee of the whole and agreed to certain resolutions to the effect that

*Parliamentary History, vol. XXXV, p. 731, 11 December, 1800.

bounties should be paid on imported wheat, barley, oats, rye, wheaten flour and rice. Following their adoption, on the motion of Pitt a committee was appointed to consider the high price of provisions. Mr. Ryder, afterwards Lord Harrowby, reported for this committee, 24 November, and on the 26th, the discussion of the report began. The report recommended that strict economy in the face of grain shortage be urged on the people. Mr. Wilberforce, in character, feared many things. He thought that economy should be more extensive than the committee had asked in their report. He bewailed the endeavors of persons to inflame the people in this time of distress* and he referred to the speech of Burdett the previous 11 November. ". . . that speech had, for what reason he knew not, been most industriously published in parts of the country where he did not expect to see it. . . . there was about the report of it an apparent accuracy which was very unusual, and seemed intended to produce the effect of making those who read it disaffected to the government under which they lived." Wilberforce was here interrupted by a remark of the Speaker that he could not see what this had to do with the question before the House. But Wilberforce had his say—commented on the report—and returned to his first remarks when he said in conclusion that he hoped ". . . the people would distinguish their best friends from those who pretended to be such—but who were instead their deadly enemies."

During the speech Wilberforce had complimented Grey, but was pained to find him in agreement with Burdett; Whigs in agreement with Radicals. Grey however "knew not how to recive this . . . whether as a compliment or as a sneer." Sheridan joined Grey in insisting that Wilberforce had been very objectionable in his speech. If Wilberforce thought the published speech (of Burdett) dangerous, why did he not answer it with one of his own? Sheridan thought this was a mere trick to divide the Whigs from the Radicals, and to cast an unmanly reflection on the worthy baronet whom he was proud to call his

*Cf. *ante*, p. 18.

particular friend, as a man who disdained the corruption of government, who had the manliness on all occasions to speak freely, and who had as great an interest in the welfare of the country as any man in it. Wilberforce in reply read some passages from the speech which he contended were hostile not to any particular government, but to all government, to all system, to all order in civil society.

This brought Burdett to his feet. He said "he had on former occasions as well as the present been the object of the honourable gentleman's dark insinuations and indirect attacks." As for the present he could only repeat the assertions that he had made which Wilberforce chose to find so dangerous; that peace, retrenchment and reform alone could alleviate the distress, and these things could not be secured by the present administration. The Speaker gave Burdett support by observing that if he had thought the baronet's speech upon the former occasion to be what Wilberforce implied he would have stopped it.

But Wilberforce continued his "dark insinuations" of the collusion between Grey and Burdett. Whitbread and Tierney indignantly demanded that he mention names and facts, but Wilberforce would say only that he was "sorry Mr. Grey is being made use of to support the measures of some dangerous persons." But amidst demands of "Who?", he could not say, but "he knew the cloven hoof whenever he met it." Such words Tierney decided must be taken down. Wilberforce must withdraw from the chamber. The gallery was cleared. However, "it was understood that Mr. Tierney after some conversation withdrew his motion and the business proceeded."* Thus ended what appears to have been a storm in a tea-cup. But it clearly indicates that at the moment there was accord between the regular Whigs like Tierney and Grey and Radicals like Sheridan and Burdett. Perhaps Burdett remembered the incident, for he is always particu-

*The whole debate of which this matter was merely a minor part is to be found in PARLIAMENTARY HISTORY, vol. XXXV, pp. 707-803.

larly scathing where Wilberforce is concerned. One can well understand his dislike.

The committee submitted several other reports, but Burdett took no part in their discussion. The last session of the last parliament of Great Britain was closed 31 December, 1800. At the conclusion of His Majesty's speech proroguing parliament, the Lord Chancellor announced that it was the King's command "that the members of parliament composing this parliament should be the members of the parliament of the United Kingdom of Great Britain and Ireland on the part of Great Britain and that the said parliament should be assembled on the 22nd day of January next."*

Accordingly the old members and one hundred new Irish members met 22 January, 1801. When parliament had assembled the Lord Chancellor signified to the two houses in the lord's chamber that the king could not formally open the session until the commons had chosen a Speaker. Accordingly they chose Addington, who had already held the office since May, 1789, and thereupon adjourned. 2 February the King went in state to open the session with the usual speech from the throne to both houses. In the debate on the address of thanks the same day Grey led the opposition. Apparently Burdett was not present or his name would certainly have appeared in the list of the minority vote. Nor is there any indication of his activities while the ministry was going through the crisis of 1801, or, indeed, until he appears some months later as sponsor for a new recruit for the Radical party in Parliament. The story of the crisis is a familiar one.

Immediately matters in the cabinet began to present difficulties. During the negotiations leading to Irish acceptance of the Union, Pitt had promised Catholic emancipation. The King, however, was unchanged in his views on the matter, decided that the sign-

*Parliamentary History, vol. XXXV, p. 857.

ing of Catholic emancipation would violate his coronation oath, would count any man who proposed such a measure as his personal enemy. In the face of this, 5 February, Pitt resigned.

Addington was entrusted with the formation of a new ministry and accordingly resigned the speakership.* On 11 February the House chose Sir John Mitford to fill the chair, in the face of some opposition led by Sheridan. The formal conclusion of the change of ministry was delayed until 14 March, when Pitt actually withdrew from office.** The King had acquisced in this delay. He had said he would speak to all his present ministers who were to go out, as that might make them accede more cordially to the change. Also he said that he wished the new prime minister to take his own time to make his arrangements, promising to ratify them, and that he (the king) should claim it for Mr. Pitt to remain until the whole was settled. But when the new ministry was made up, there was further delay due to the King's having a cold, and that bringing on the old paroxysms, which, to Lord Chatham, he said he owed to his brother, (Pitt).*** Meanwhile judging from their speeches in Parliament, the opposition knew little of the composition of the new ministry, and therefore confined themselves to opposing all considerations of the budget or supplies until they knew into whose hands the administration was to be given. But Abbot writes of the position of all factions, "I never saw greater trepidation in the House, or more anxiety and concern on the ministerial side, or more eagerness on the Opposition side."*

A new name, John Horne Tooke, appears among the number of the opposition. He took his seat for Old Sarum, 16 February,

*Parliamentary History, vol. XXXV, p. 946, *et seq.* The reasons for his and the Cabinet's resignation are set forth in a letter to Lord Cornwallis, *Ibid.*, p. 966.

**Colchester, *op. cit.*, vol. I, p. 257.

***Ibid.*, pp. 224-245.

****Ibid.*, p. 231. A detailed, naive account of the whole proceeding of the formation of the Addington ministry is given by Colchester, vol. I, pp. 223-233.

after having been introduced by Sir Francis Burdett and a Mr. Wilson. At the time a member (Earl Temple)* conceived Tooke to be incapable of holding a seat "in consequence of his having taken priest's orders and been inducted into a living." Temple said he should wait fourteen days, and if no petition was presented against the return, he should move for consideration of it. His motion was made 10 March; throughout the spring the matter was investigated by a committee; and in May again debated in the House. Temple began by moving that evidence be called to the bar of the House to prove that Horne Tooke was actually ordained, and when this had been established, he proposed to move a committee to search for precedents with a view to finally moving his ineligibility to hold a seat in the House.** Fox was strong in opposition to calling witnesses for evidence. Tooke also opposed it, since he was perfectly willing to admit the fact, and this he thought was the best possible evidence. But the matter proceeded as Temple had planned, and finally on 4 May, he made a long speech concluding with the motion that the Clerk of the Crown make out a new writ for a burgess to serve for the borough of Old Sarum, on the grounds of Tooke's incapacity. There was a long debate. Some members opposed the motion because they felt clergymen were, and should be, eligible to sit in the House. Others opposed it on the understanding that a bill was to be brought in to establish the principle of the ineligibility of priests. The combination of these members sufficed to defeat the motion, 94 to 53. Two days later, Addington moved for leave to bring in a bill to prevent persons in holy orders from sitting in the House and it was granted, as a bill "to settle a great constitutional question."

Burdett rose to speak for the first time on the question, two days later, on the order of the day for the second reading of the bill. Whether he had been absent on previous occasions or

*Third Earl, and later and better known as the first Marquis of Buckingham, brother of Lord Grenville.

**Parliamentary History, vol. XXXV, p. 1323, *et seq.*

merely silent one does not know. Horne Tooks was already his great friend. Burdett and he had met in 1796. By this time he was, Tooke's biographer tells us, dining at least once a week with Tooke.* His friendship with Tooke was made an argument in the later campaign speeches against the baronet in the Westminster elections.** Now, Burdett expressed his decided opposition to the bill, the principle of which "went to stigmatize a large body of men, to disfranchise them by a sweeping blow to their rights and privileges. He could see no reason why . . . the man who wore a black coat should be more dependent on the crown than the man who sported a red one." The arguments for the bill were founded on a base superstition. "It was pretended," he said, "that such a degree of sacredness attached to the sacerdotal character that it would be a profanation to meddle and interfere in lay matters. This was doctrine which he (Burdett) had hoped was long since exploded."*** He also condemned the manner in which the bill had been introduced.

When Burdett sat down, Horne Tooks rose to speak "for the first, and I hope for the only time in my life in opposition to my honourable friend." He wished the bill to proceed to a second reading, and without more debate it did. 13 May, the bill was discussed in a committee of the whole house. Some amendments proposed by Horne Tooke were voted down, but a proviso by Addington, that nothing in the act should extend to vacate the seat of any member before the passing of the act, was agreed to. With little debate, but a comment by Burdett similar to his first, the bill passed 19 May.****

The baronet's interests do not seem to have been greatly engaged by the matters before the Commons during the session. He spoke against the Irish Martial Law bill, 16 March, winning

*Stephens, Alexander, Memoirs of John Horne Tooke, vol. II, p. 306 Patterson, *op. cit.*, vol. I, pp. 108-131, has a chapter on Tooke.

**Full Report of the Speeches of Sir Francis Burdett, *etc.*, p. xvi.

***Parliamentary History, vol. XXXV, p. 1404.

****Ibid.*, pp. 1412-1420.

one "hear, hear!!" when he referred to the greatness of Buonaparte which had won through justice and mercy the cessation of rebellion in *La Vendee*. Justice, and especially mercy was what Burdett advocated for Ireland, not martial law and the suspension of *Habeas Corpus*. The harsh measure was of course that which was adopted.* The only other question which interested him at all, or at least enough to bring him to his feet, was the suspension of habeas corpus.** He voted, but did not take part in the debate, for Grey's motion, 25 March, for a committee on the state of the nation. Grey made a long introductory speech on that occasion, criticizing the conduct of the war and the whole policy of the administration, especially that of Pitt, who had recently resigned. In a very full House he was able to secure 105 votes to 291 in support of Addington's government.*** The session closed 2 July, 1801, with the proroguing of parliament until 29 October.

During the summer of 1801 negotiations were begun which were to lead to the Peace of Amiens in the next year. 1 October, 1801, the preliminaries were agreed upon. They became the chief subject of debate when parliament was summoned. Indeed foreign affairs occupied most of the attention of the House throughout the winter. From the time that the change in the ministry occurred, the position of Addington and his group was not strong: they were not great men. The debates bear evidence that out of office Pitt was still a leader, and that Fox, Grenville and Grey were close seconds. The secession of the Whigs was over. Indeed it had ended in November, 1800, when all the Whigs came to the House, and thereafter attended regularly with the exception of Fox.**** There is thereafter evidence of a feeling that a change may come, that the ministry is not stable, and the opposition is waiting.

*Parliamentary History, vol. XXXV, p. 1041.
**Cf. *ante*, pp. 10 and 11.
***Colchester, *op. cit.*, vol. I, p. 261.
****Ibid.*, p. 216.

Burdett took no part in the debates, except for a brief speech in support of the Prince of Wales,* until 12 April, 1802, when he appeared momentarily as a leader of opposition. He had had nothing to say during the cabinet juggling of the previous spring when the Addington ministry assumed control; he had made no comment during the debates of the autumn on the preliminaries of peace which had led to the long negotiations of the winter. Now, when "we are enabled to form a just estimate of the professions, principles, and conduct of those men who have these nine years past, and still do (for it is the same junto) exercise the powers of government in this country," he moves an inquiry into the late administration.** His speech was a long one to a fairly full house. When he had concluded there was but little debate before his motion came to a vote. His eloquence added but 38 votes to his own, while 246 opposed him.

In view however of the Middlesex election of the summer, this speech has particular importance. It becomes something in the nature of a pre-election campaign address. It is the longest speech he made during his parliamentary career. After he has justified the time and the occasion for his motion, he continues significantly:

> Now we may be permitted to make up our accounts of blood and treasure, and to show those who have a right to inspect them what has been received in return for the dreadful expenditure of both . . . I wish to call the attention of the House and of the public in general to the many material and mischievous alterations of the laws and the manifold acts of aggression against the constitution of the country. . . .
>
> Although Government maintained war to be just and unavoidable, yet I may now be allowed to appeal from the decisions obtained by corruption, falsehood, and delusion to the sober judgment of this House and of the public at large who have by this time, it is to be hoped, recovered a sufficient proportion of common understanding to enable them to distinguish between truth and falsehood, justice and injustice, necessity and free choice.

*Parliamentary History, vol. XXXVI, p. 439.
**_Ibid._, p. 493, 12 April, 1802.

Burdett next proceeds to prove that war was not an unavoidable necessity at the beginning, but was provoked by a series of acts in 1792 "contrary to the law of nations at peace and in direct violation of a specific treaty between this country and France." When France at last declared war, Burdett insists, it was not war against England, but, after stating the conduct of the ministers of this country and enumerating those acts of hostility, the French Republic declared itself at war with the king of England, which meant the Pitt administration. "Our allies, Austria and Prussia," Burdett chooses to call "tyrants engaged in partitioning Poland."

The speaker next proceeds to examine what were the avowed objects of the war.

> . . . the pretext for openly joining the coalition against France was, on behalf of our allies, the Dutch, to prevent the opening of the navigation of the Scheldt. . . . This war for the Scheldt was soon swelled by them (the "minions of arbitrary power and corruption") into a war for religion, social order, and civil society.

> Every possible pretext was made for continuing the war; then, having failed in all this infallible attempt to rescue our allies, the Dutch—who fought valiantly *against* us—unsuccessful in all their intermediate projects, baffled in every quarter, destructive to every country which listened to their counsels, or admitted their interference, still shifting the ground of war to anything and everything for the purpose of delusion, positive of success in the gross of projects which had all failed in the detail, . . . they (the Government) were to make a grand effort for the deliverance of all Europe. . . . These were the avowed objects for which ministers formed combination after combination, conjured conspiracy after conspiracy, and flung with an unsparing hand the wealth of Englishmen among the minions of every court . . . throughout Europe. Sir, they have delivered Europe as they have delivered Holland, not out of but into the hands of France, and are now unable to deliver themselves and us from that gigantic power their folly and wickedness has created.

Burdett is willing to grant the seriousness of the situation now. He fears with those who consider the peace insecure, but "the question is who brought the country into this situation? To whose counsels are our present embarrassments owing? To

the very men who now get up and tell you what they themselves have done, predict the probable and fatal consequences, and advise you to pursue the same destructive career." France, he admits, bids fair to become the mistress of the world, especially if "that extraordinary man now at the head of affairs . . . should prove himself as great a legislator and statesman as he proved himself a great general and dexterous politician, . . . if he should have the ability and virtue to establish in France a well-regulated free state."

Having at still greater length detailed the failures and defects of the late ministers, Burdett still has the "painful task", as he calls it, of "enumerating their triumphs and their victories." . . The list is long: the liberty of the press has been violated, freedom of speech has been destroyed, trial by jury discontinued in many cases, particularly libel, the income tax has created an inquisitorial power of the most partial, offensive and cruel nature. England has been converted into an excise office, and one part of the people has been turned into spies and informers to prey upon the other. The treason laws have been altered. Year after year government has suspended *habeas corpus,* arrested men from whom they expected to be able to extort information. Why? To discover conspiracy, for Burdett cleverly remarks, "knowing what they deserved, they (ministers) could not but believe that all men were conspiring against them."

The baronet also turns his attention to Ireland. There conditions exist which show the system begun in England "completed and perfected." Although ministers have failed in their foreign objects, "they have made a shameful conquest of the rights and liberties of England. They have flogged, tortured, and massacred the people of Ireland. They have bought the representation of *that* country, and made a complete revolution of the representation of *this.*" No wonder, if all this were true, that Sir Francis Burdett demanded an inquiry into "such unprecedented conduct," for were they to "allow ministers, by a miserable juggle and sham change among their own creatures and par-

tisans to escape unquestioned? . . . The scandalous imprisonments, the cruel tortures, the disaffection of Ireland, the distresses of the people of England, the monstrous corruptions, profligate expenditure, all cry aloud for inquiry."

The great indictment was a long speech — so long that the second to Burdett's motion by a Mr. Sturch was unaccompanied by remarks.

Earl Temple replied: "felt, indeed that he should apologize for taking notice of a speech, the most extravagant, he believed that ever was uttered within those walls." Temple's speech was a general defense of the late administration with a particular eulogy of Pitt, who "should be highly flattered at being the object of the calumny of Burdett and his friends, of their slanderous rancour." Another speaker proposed that by an amendment, Sir Francis Burdett's motion might be changed into a practical compliment of the administration. This, however, Pitt and the Speaker pointed out to be impossible.

Burdett's motion was, of course, defeated. It was disappointing that he failed to secure the support of all the leaders of the Opposition. No one of ability or reputation spoke in his defense. Yet his speech in spite of a certain degree of rhetorical extravagance, contains a great deal of truth, of penetrating observation. One could hardly ask for a better summary of the war years from the point of view of a liberally minded observer. But perhaps Burdett's chief purpose in delivering the speech was to let the public know his general political opinions at the time. The declaration was effective in preparing Middlesex to invite him to stand when a general election occurred.

II.

THE CONTESTED MIDDLESEX ELECTIONS, 1802 - 1806.

His Majesty, George III, came in state to the House of Lords chamber to close the session 28 June, 1802. The following day parliament was dissolved by royal proclamation.

The general election which followed this dissolution showed a marked growth of political interest in many parts of the country. "The number of contests was larger" we are told, "than on any previous occasion except 1784."* There were contests in six English counties, in two Welsh counties and in sixty-two boroughs in England.** Jephson says that in Scotland also, there was a revival of what might be called democratic interest. Certainly Scotland during the previous years had been much more politically corrupt than the southern kingdom. Cockburn, who knew conditions there, does not find even this revival of 1802. He says in part:

> . . . there was no popular representation . . . the town councils who elected the burgh members of parliament and the 1500 or 2000 freeholders who elected the county members formed so small a body that a majority and indeed the whole of them were quite easily held by the government strings. (For the sake of economy) except at Edinburgh, there was only one member for what was termed a district of four or five burghs. Each town council elected a delegate and these four or five delegates elected the member . . . the established practice was to bribe only the delegates . . . There was no free, and consequently no discussing press . . . [no] freedom of public speech. I doubt if there was one during the twenty-five years that succeeded the year 1795. . . . *As a body to be deferred to,* no *public existed.****

*Jephson, *op. cit.*, vol. I, p. 301.

**Ibid.*, citing Smith, H. S., Register of Parliamentary Contested Elections.

***Cockburn, Memorials of His Time, p. 88. A vivid description of the reaction in Scotland to the French Revolution is given p. 82 *et seq.*

Conditions in England were not so uniformly black. There were a very few popular or reasonably popular constituencies. In those places speeches were always made at the time of an election. Fox, standing once more for Westminster, made a clear declaration of his political creed in one of his speeches:

> My principles are short; they are the principles of the constitution of Great Britain as they have always been understood by the most enlightened patriots of this country. I can state them in two sentences. They are these—that in theory the sovereignty is in the people and that in practice all the constituted authorities ought to keep in mind the sovereign under whom they hold their power.*

Wilberforce, again candidate for Yorkshire, also a popular constituency, sounds a different note. He finds the assembly of freeholders "freely choosing their own representatives in parliament" a "magnificent spectacle" but instead of talking of extending such a spectacle to the entire country, he says: "Let those deluded men, whether of this country or any other, who have so far mistaken liberty as to confound it with anarchy, come hither and have their error corrected. . . ."**

With the dissolution of parliament, Burdett's connection with Boroughbridge came to an end. It had been agreed in 1796 by the trustees of the lately deceased Thomas, Duke of Newcastle, and Thomas Coutts, the baronet's father-in-law, that in consideration of £4,000 applied by the latter towards discharging the debt due him by the former, Francis Burdett, Esq.—[he had not then succeeded to the title]—was to sit in Parliament for six years and no longer. That term had now expired.* Burdett had made his debut in parliament as a member for a rotten borough. But since his seat had been purchased in the open market he had not been hampered by any connection with a patron, and in 1802 he was possessed of the reputation for

*Times, 7 July, 1802.

**Cobbett, Political Register, vol. I, p. 1617.

***Patterson, *op. cit.*, vol. I, pp. 36-39. He includes both correspondence and a *memorandum* of the agreement.

being a radically opposition member. It was now possible for him to stand for a more democratic constituency.

Three days before the dissolution Burdett received an invitation to stand for Middlesex, and on the same day he sent a letter of acceptance in the following words:

I will freely acknowledge to you that I have for some time past relinquished all thoughts of a place in parliament, and have consequently declined very many overtures for that purpose. If the people of England are pleased and contented with what has passed; with their present situation, and with the terrible changes which have been made in the laws, the constitution, and the manner of governing this country, let statues be erected in each county through the land, to Lord Liverpool, Mr. Pitt and Mr. Dundas, to whom principally we are indebted for the blessings.

I shall not desire to overturn them, but will remove from such odious and disgraceful objects, confessing myself not fit for the society of such a nation.

Yet though disgusted, I do not despair. I think our country may still be saved, but by one means only—by a fair representation of the people in parliament. By that alone can we possibly obtain the restoration of those invaluable rights which have been ravished from us, or the security of what little good remains.

If the county of Middlesex, which from circumstances is likely to be more free, informed and independent than any other county in England shall be pleased *upon this principle* (I wish for no support upon any other principle, holding all palliations to be nugatory and destructive)—if *upon this principle,* the county of Middlesex shall be pleased to intrust to my hands a portion of their present small and inadequate representation, I will cheerfully and zealously devote myself, my life and my fortune to their service.*

So saying, he is, on 26 June, 1802, "their obedient humble servant, Francis Burdett," and stands where Wilkes once stood.

His "principles", indeed, are much the same as those of Wilkes. His letter of acceptance is markedly independent — announcing *his* principles which the electors must accept if they choose to

*Patterson gives both the invitation and the letter of acceptance, *op. cit.,* vol. I, pp. 132-134. Tegg, *op. cit.,* p. 17 quotes the acceptance only.

elect him. The election began 15 July and lasted until the end of the month. It was a noisy and riotous one, as indeed were all those in the few democratic constituencies. Burdett's principles unfortunately seem to have appealed to the rabble rather than to the more respectable classes. Indeed the Duchess of Devonshire was perhaps the only well-dressed woman working in his interest. One of the catch-words of the election hinged on efforts of the candidate in behalf of Cold Bath Fields prison. We are told that the road to Brentford, where the hustings were, was "lined with ragged wretches from St. Giles' bawling out 'Sir Francis and no Bastille!', and at the hustings there are daily some half-dozen convicts who have served out their time in the House of Correction, employed in amusing the rabble with execrations on the head of Mr. Mainwaring."* The biographer of Burdett's father-in-law paints a dark picture of the election. "The 'humours' of the election, such as the flying of flags with revolutionary emblems and 'No Bastille', of the *tableau vivant* of a prisoner loaded with chains and shrinking from the jailor's lash, could do little harm unless the cap fitted, when they might do good; but the bribery, the drunkenness, the menace and personal violance offered to the Tory candidate . . . were enough to give and probably gave another thirty years of rottenness to Gatton or Old Sarum."** This last statement seems hardly justified by the facts. Strangely enough, Jephson, the historical specialist on platforms, in his discussion of the platform of 1802, does not mention the Middlesex election at all. But perhaps this is because the "platform" here was so violent a one.

29 July Burdett was elected by a majority of 271 votes over those of Mr. Mainwaring. He was carried shoulder high by his supporters to the palace of his sovereign,*** before the gates of which the band played *Ca Ira*.

*Political Register, vol. II, p. 90.
**Coleridge, Thomas Coutts, vol. II, p. 127.
***Coleridge supposes this was Kew palace.

The election earned for Burdett the wrath of, with one or two exceptions, the entire newspaper press of London. William Cobbett was particularly scathing in his comments. Cobbett had returned from his first sojourn in the United States in July, 1800. He soon began the publication of a journal, the PORCUPINE.* This paper was largely colored by the political ideas of William Windham. Like his patron, Cobbett was caught up into vehement attacks on the negotiations for peace in the autumn of 1801. The PORCUPINE was not a financial success, and at the end of 1801, was sold.** But Windham and others had found Cobbett too valuable a press agent to allow him to remain silent. Consequently they raised funds by private subscription and launched him on the venture of the much more famous POLITICAL REGISTER.*** The first number appeared 16 January, 1802. It was an anti-government organ, violently opposed to the Peace of Amiens. But, again reflecting the opinions of Windham and his group, the POLITICAL REGISTER was just as violently anti-Jacobin. As such, it criticised the results of the Middlesex election. Cobbett wrote on 31 July, "The Result of the election will have the effect of emboldening and increasing the disorderly and dishonest part of this monstrously overgrown and profligate metropolis."**** The following week, he printed an anonymous "Letter to the Editor" which asked "In what act, let me ask, of his whole career (Burdett) manifested any attachment, and I will add, any loyalty towards it (the government)? Has he not on every occasion displayed the most inveterate hatred, the most implacable rancour against it?"***** At another place in the same number, Cobbett says:

"To reason with such a man would be absurd; he must be treated with silent contempt, or be combatted with weapons very different from the

*Cole, G. H. D., COBBETT, p. 73.

**The first number had appeared 30 October, 1800. Cobbett had published a similar journal called PORCUPINE'S GAZETTE in Philadelphia between 1797 and 1800. Cole, *op. cit.*, p. 64.

***Cole, *op. cit.*, p. 73 *et seq.*

****POLITICAL REGISTER, vol. II, p. 122. Thus Cobbett as a "country" man.

*****Ibid.*, p. 132, 7 August, 1802.

pen. . . . We detest and loathe Sir Francis Burdett, we would trample upon him for his false, base, and insolent insinuations and assertions respecting his and our sovereign . . ."*

A windy fellow, this Cobbett, but variable. Two years hence he will blow for Sir Francis as lustily as now he does against him. Still, Burdett did have the support of several London papers, particularly the MORNING POST.

Mainwaring, the defeated candidate, was not the only loser in the election. At the beginning of the last week of the polling the Foreign Secretary ordered the balance of two public accounts which he had kept at the banking house of T. Coutts to be sent to another.** 22 July, Thomas Coutts wrote to William Pitt to protest this blaming of him for his son-in-law's "public proceedings". It all comes, he thinks, from "his house being next door to mine."*** He tells Pitt that he does not intend to vote at Brentford, but that he could not oppose Sir Francis, or avoid "thanking those who came to me offering to vote for him." Indeed Coutts hoped that Burdett would be elected. The Coutts family had for some time had a "suspicion of Sir Francis Burdett transfering his fortune and residence to some foreign country, which made us all very unhappy. . . ."**** For this reason the old man writes, "I endeavoured to encourage by every means in my power his continuing in parliament as the most likely way of preventing a measure which struck so deep at our comfort by removing from our society my daughter and her lovely children. . . ."***** Pitt replied that there was nothing he could do about the transfer. The banker took the whole matter very much to heart. He had been ill during the election, chiefly he thought, because of the turmoil and false reports concerning his part in it. Still, he had secured for the baronet perhaps a dozen

****This was indicated in Burdett's letter of acceptance, cf. ante, p. 33.
*****Coleridge, *op. cit.*, vol. II, p. 134.
*POLITICAL REGISTER, vol. II, p. 151.
**Coleridge, *op. cit.*, vol. II, p. 134.
***This was the Picadilly house.

votes, but he had made the effort "with no great degree of animation or success." More particularly, the enemies of Burdett and Coutts insisted that the banker had backed the baronet financially. This he denied vigorously. Sir Francis Burdett did not owe him a shilling when the election was over, nor did he ever "borrow from me any money in the whole course of my acquaintance with him,—nor did he ever ask any from me—neither have I any reason to believe he stood in need of it."* This seems true also of the later Middlesex elections.** And again, after the Middlesex election, Coutts assured an acqaintance that he had had nothing to do with it. He had told Burdett that "in other things he might command him, but in that matter he should take no part whatever."*** One distinguished client who gave up Coutts as his banker was the Duke of Cumberland, one of the younger sons of the King. During the summer the Duke of Kent was in correspondence with Coutts. He consoled the banker with remarks on his brother's "volatile and hasty" temper, and assured Coutts that all his real friends were never deceived by the calumnies.****

Burdett's majority of 271 did not go unchallenged. There was a long controversy originating in a petition, and at last in July, 1804, he was unseated.***** But in the meantime he had represented Middlesex and taken part in the discussions of the House of Commons. He took his seat when the new parliament was opened by commission, 16 November, 1802. His colleague for the constituency was one George Byng, whose election had at no time been in doubt. The King's speech was not delivered until the 23rd. The House in the interval re-elected Charles Abbot Speaker. The King's speech commented on the internal prosperity of the country which "has realized our most sanguine hopes". It announced the "state of manufactures, commerce, and

*Coleridge, *op. cit.*, vol. II, p. 140.
**Farington Diary, vol. IV, p. 195.
***Coleridge, *op. cit.*, vol. II, p. 128.
****Ibid.*, p. 161, 162.
*****Cf. post.*

revenue to be flourishing beyond example." His Majesty found great and important benefits resulting from the union of Ireland with Great Britain. He was not so sure of foreign affairs. The condition of Europe demanded careful watching.* A member (one Trench) "moved an address which as usual was an echo of the Speech from the Throne."** There was no clearly marked opposition. Even Fox rose to give his reasons "for giving my cordial support to the address", though he would never assent to the sentiments expressed in the speech with regard to the union with Ireland. There was some other mild criticism, but it was very faint. At last Sir Francis Burdett rose.

The baronet said:

The speeches he had heard on both sides excited the greatest degree of surprise. Yet he agreed in many points with members of the Opposition and also, more strangely, with many points advanced by supporters of the Government, gentlemen with whom he had never concurred.

One speech (that of a Mr. Elliot) appeared to him as a provocation and incitement to war, or if not, as the most strange and disinterested exertion he had ever witnessed. Burdett was perfectly willing to concede the strength of France. ". . . No man could be more deeply alarmed at it than he was." But whatever there was to fear in the present condition of France was attributable not to the present ministers but to those who had for so long carried on the war, which, of course, Burdett had opposed from the first moment of his entering parliament. The present conditions, to the baronet, arose out of the "nature of the war itself and the principles on which is was conducted."

He next proceeded to his more particular objections to the Address. He disliked the impression it gave that England would watch the state of Europe as if she would catch at an opportunity of renewing hostilities. He, like Fox, objected to the allusions to the advantages of the union with Ireland.

*Parliamentary History, vol. XXXVI, p. 934.
**Ibid., p. 948.

He was disposed most cordially again to agree with an hon. gentleman (Mr. Wilberforce) with whom he had scarcely ever agreed before,* that ministers should exert every means in their power to restore the just rights of the people, to consult their ease, to get acquainted with their opinions and wishes, and to employ every endeavor to conciliate their confidence and affections. But could this be done without a due reform in the representation of the people? Impossible! That alone can unite their hearts, and draw forth the unanimous exertions of the people, that alone can snatch us from the dangers which press upon the country.**

Thus Burdett returns once more to the cry of Parliamentary reform. This cry had been little heard lately. Nor did it find expression in the election so far as one can judge. The baronet on this occasion concluded his remarks with a reference to the leader of the late administration. Pitt, however, was not present; so the speaker said little except to characterize him as being *satis eloquentiae, sapientiae parvum*. Burdett seems to have feared that Pitt might return to office; and now, in the baronet's opinion, it was not—nor ever had been—*eloquentia*, but *sapienta* that was needed.

Finally, after these miscellaneous reasons for opposition, even the baronet would agree to the address as far as it went to encourage and maintain the continuance of peace. There was good reason for the brief, rather indefinite comment on foreign affairs in the King's speech. Buonaparte actions during the summer and autumn had been such as to create mistrust. The island of Elba which the British had given up by the Treaty of Amiens in the fond belief that it would remain under the government of Etruria was annexed to France in August. Piedmont was incorporated likewise the following month. In October, French armies invaded Switzerland, and its inhabitants were finally obliged to accept a constitution dictated in Paris. Yet peace was the condition that above all Burdett wished to have maintained. All his interests were in domestic conditions. He was sensible of the suffer-

*Cf. ante, p. 20.

**Burdett's speech in full is found PARLIAMENTARY HISTORY, vol. XXXVI, pp. 1008-1012.

ing the long years of war had brought, and he blamed it all on the Pitt administration.

The report of the committee of supply was brought up 2 September, and a motion for the granting of 50,000 seamen for the service of the ensuing year was made. The Opposition insisted that there should be an explanation of the reason for the supply of a "large disposable force productive of great expense without informing us what danger we have to dread and how far the force demanded will tend to avert that danger."* However no explanation was vouchsafed although everyone knew in a general way what the situation was.

The House as a committee of supply took up the army estimates on 8 December. The Secretary at War (Charles Yorke) concluded a speech of praise for the army and comment on the European situation with a motion for 66,574 men for the guards and garrisons in Ireland during the ensuing year. It was, of course, the fear of France which actuated the Ministry. Burdett did not speak until 9 December when resolutions were reported out of the committee of the whole to the House.** If, as ministers stated, the unprecedented condition of the country called for so large a force, then, Burdett thought, ministers should have brought down some communication from the Throne. He again found himself in substantial agreement with Wilberforce's remarks on a previous occasion.*** He, Wilberforce, had then said "that we should not at all interfere in the affairs of the continent but confine ourselves entirely to our insular situation . . . and though policy or interest might urge us to take a share in their disputes, we should never be the first to attack." Burdett now went further than Wilberforce to attack the constant practice of parading the principle of the balance of power.

*Parliamentary History, vol. XXXVI, p. 1034, speech of Thomas Grenville.

**Ibid., p. 1106.

***Cf. ante, p. 39.

"It was too generally the apology to which ministers had resorted for going to war. It was the pretence of throwing dust in the eyes of the country for it appeared to him impossible to make such a war a war of the people; the object of it could not be made intelligible to their comprehension as being materially connected with their interests."

Suppose France to be strong and in no danger of falling to pieces, then the best protection would consist in strong measures of defense. But the baronet's strong measures were not an increased force of seamen, not 70,000 men for the guards and garrisons of Ireland, but "a strong parliament (including a fair representation of the people), strong councils and above all, a strong and united people." This is liberal, thoughtful doctrine! Throughout his career Burdett sees through the sham of war being of any benefit to the people of either side.

Parliament was in recess from 22 December, 1802, to 7 February, 1803. During the spring the attention of both houses was chiefly concerned with the strained relations with France. Negotiations dragged on for two months and when they were broken off failure to carry out the clauses of the treaty of Amiens with regard to Malta was the asserted cause. Napoleon had manœuvred himself into the position of the injured party. It was the English government which delivered an ultimatum demanding from France as the price of peace English retention of Malta. This ultimatum was rejected. The ministry was anxious for war as soon as possible; the French wished to put off the actual breach as long as they could.

Debate in Parliament on the termination of discussions with France occupied two days, 23 and 24 May, 1803. "The public curiosity was so great that the strangers' gallery was filled at an early hour by person admitted in an unusual manner; in consequence of which none of the gentlemen accustomed to report the parliamentary proceedings could gain admission."* Consequently a very imperfect sketch of the discussion has been preserved in the records. Upon the complaint of the reporters, the Speaker

*Parliamentary History, vol. XXXVI, p. 1258-9.

arranged that the next day and every day thereafter if required the gallery door should be opened at noon to let in the news writers.* The great speech of the first day was made by Pitt.** Wilberforce the first day and Fox the second led the opposition to the Ministers' conduct of the discussions with France. Windham was the war jingoist of the occasion. He was so bitter in his reply to Fox that he half apologized afterwards; but Fox was unruffled, and rather charmingly rejoined that "he excused the warmth of the right hon. gentleman and as for himself he had a foible of not easily and slightly quarreling with an old acquaintance."***

In a division that was taken during these two days, Sir Francis Burdett's name appears in the minority of sixty-seven. He had apparently been silent both days, unless through the exclusion of reporters on the twenty-third, his speech was omitted. Not until 19 July did Burdett remark, after many measures looking towards increases in men, supplies, and revenue had been introduced, that if ministers really wished on this occasion to conciliate the hearts and wishes of the people they should begin by repealing all the oppressive, unconstitutional acts of their predecessors."****

We next find the baronet strongly opposing a proposal to make a grant of money to the House of Orange.***** He also had an opportunity to defend the Prince of Wales and to disapprove of

*Colchester, *op. cit.*, vol. I, p. 421.

**Grey spoke of it as "one of the most inflammatory speeches that ever was heard and has plunged the country into another five years of war." Trevelyan, *Grey*, p. 130.
Freemantle says it was the oratorical triumph of Pitt's life, Freemantle, *op. cit.*, p. 365. In either case it seems to have been another case of *satis eloquentiae*, —.

***Parliamentary History, vol. XXXVI, p. 1490.

****Parliamentary History, vol. XXXVI, p. 1642. The Speaker, apparently completely out of patience, quotes him as saying: ". . . every act since the accession of his Majesty." Colchester, *op. cit.*, vol. I, p. 433.

*****Parliamentary History, vol. XXXVI, p. 1671, 21 July, 1803.

the rejection of his (H. R. H.'s) proffered services, for he thought, "at such a period as the present the character of His Royal Highness would furnish a tower of strength to the country."* [The writer admits, before the reader can exclaim, that this should be, but was not, ironical.] Fox, too, spoke in behalf of the prince, though both he and Grey were growing cool toward him.** On the 12th of August, the session closed with the proroguing of parliament to 6 October, and afterwards to 22 November, 1803.

Before parliament was prorogued, Burdett spoke at a meeting of his constituents. The occasion for the meeting was the addressing of the King in support of the government. The previous week serious rioting amounting to rebellion had occurred in Ireland. It began 23 July with the assassination of Lord Kilwarden, the chief justice of the King's Bench and his nephew.*** Measures were almost immediately asked for the purpose of restoring tranquillity. Accordingly a bill for the suspension of habeas corpus and a martial law bill for Ireland were introduced, passed through all the stages and received the assent of the Lords in one day.**** Burdett said nothing at the time but apparently was wholly out of sympathy with the popular enthusiasm for repression in Ireland. Consequently at the meeting of the freeholders of Middlesex to support the Government and condemn the rebellion and its sympathizers in England, Burdett was entirely outside the popular current. The sentiments that he expressed on the occasion were so offensive that when resolutions had been adopted, Burdett was not even appointed to attend the sheriffs in the presentation of the address.***** The popular opposition to all criticism of the ministry seems to have been the result of the enthusiasm which attended the reopening of the war. A new war spirit, the spirit behind the long struggle with Napoleon, was

*Ibid., p. 1691, 2 August.
**Cf. Trevelyan, *op. cit.*, passim.
***Colchester, *op. cit.*, vol. I, p. 434.
****Parliamentary History, vol. XXXVI, p. 1672.
*****Political Register, vol. III, p. 174.

being developed. Cobbett himself who had always criticized the Peace of Amiens celebrated the renewal of the war by the issuance of a pamphlet whose title, "Important Considerations for the People of this Kingdom" gives no hint of the enthusiasm expressed in it.* The whole London press responded to the excitement of popular feeling with the result that the MORNING POST which had been Burdett's chief supporter in the election of 1802 completely changed its opinion of him, and railed against him for his statements. Cobbett saw the injustice of this, but could not help feeling glad "that Sir Francis Burdett has experienced this sort of treatment. It will be a lesson for him and for other rich men who are foolish and wicked enough to think of becoming demogogues."**

This war enthusiasm led to enormous enlistment in the force of volunteers. Nevertheless the system presented many problems. Burdett was quick to bring out one aspect of the case, which had otherwise escaped question. During the debate on the Address of Thanks, he called the attention of the House to two volunteer associations. They were calling on the inhabitants of their respective parishes for contributions, deciding how much each of the residents should pay, and threatening to publish the names of those who failed to do so. Burdett insisted: "they were an armed corps acting as a deliberative assembly, undertaking to determine the gross amount of the sum to be raised, the quota of individuals, and what is more dangerous, this same group was to receive the money, dispose of it and partake of it." Burdett urged the House to deal with this dangerous principle which was contrary to all the established governmental practice of the country.* There were no comments on the baronet's remarks. Although various proposals regarding the volunteer system were brought forward and debated, Burdett did not speak again on the subject.

*It is reprinted in Cobbett, POLITICAL WORKS, vol. I, p. 304.
**POLITICAL REGISTER, vol. III, p. 181.
***PARLIAMENTARY DEBATES, vol. I, p. 27. 22 November, 1803.

Immediately upon the meeting of Parliament after the Christmas recess, Fox rose to draw attention to a petition against Burdett's election and to promise a motion for its dismissal. When he so moved, 2 February, 1804, he was answered by Addington. His motion was lost in a vote of 96 to 24. The next day a committee was appointed to "try the merits of the Middlesex election for an election in Middlesex.* It is not clear that the motion amount of material that had to be considered delayed the report, so that it was not until 19 July that one Lord Marsham reported for the committee. The decision it had reached after an examination of the registers was that neither Burdett nor Mainwaring had been duly elected, and Lord Marsham moved for a new writ for an election in Middlesex.** It is not clear that the motion for a new writ was adopted but it must have been, for beginning 23 July there was a Middlesex election. As for the report of the committee itself, the House agreed 17 July, that it was too late in the session to take the report into consideration.***

During the spring, there had been a realignment of parties, and when the new election for Middlesex occurred Pit was once more prime minister. The Addington ministry managed to keep going while peace lasted but with the reopening of the war their position had become increasingly precarious.**** There had been a remote chance in the early spring that there would be a coalition of the two groups of Whigs, the Grenvilles and the Foxites, with Pitt and his followers but that was made impossible by the attitude of George III. toward Fox. The result of months of "conversations" was the formation of a ministry, entirely Tory, but notably weak in its personnel except for Pitt himself.*****

*Parliamentary Debates, vol. I, pp. 385, 417, 418.

**_Ibid._, vol. II, p. 958.

***Parliamentary Debates, vol. II, p. 1058.

****Colchester, _op. cit._, vol. I, p. 432.

*****The negotiations are very widely discussed of course. The various points briefly mentioned here are to be found in Trevelyan, _op. cit._, p. 133 _et seq._; in Memorials and Correspondence of Charles James Fox, vol. III, p. 455 _et seq._; and in Colchester, _op. cit._, vol. I, p. 498, _et seq._

Sir Francis Burdett seems to have had no part in the conversations, nor had he spoken in any of the debates which turned on the negotiations. But on the hustings during the election in July he had much to say. He was up early on the first day, and set out from his Picadilly residence at seven o'clock in the morning, arriving at the hustings at Brentford before eight o'clock. All tumult, we are told, was thus avoided.* When he was proposed to the freeholders as a candidate, the speaker particularly denied Burdett's having expressed the sentiments which had been so unpopular at the Hackney meeting the year before.** Sir Francis then addressed the freeholders. He made two speeches on the first day and one each day for the remaining fourteen during which the poll continued. On the first and second day Burdett was in the lead; the third day his opponent was one vote ahead; thereafter Mainwaring increased his lead daily until the last two days, when Burdett's vote materially increased. At the end, there was some dispute, but the election of Mainwaring was finally declared by the sheriffs to have been won by five votes.

Burdett's speeches throughout the election are not profound, nor are they particularly oratorical, but they are clever. He has humour which wins response from his hearers. He makes use of every incident which will win applause, as, for instance, when on the second day his majority was 45. This was a number, Burdett told his hearers "which you must remember to be propitious to our cause *(loud applauses)*."*** He will never desert their cause but will use his utmost endeavor that forty-five and liberty shall go down connected together to the latest posterity. This reference to Wilkes at the scene of his triumphs aroused great enthusiasm Burdett is also careful to explain convincingly that he undertakes the contest in the interests of a free and fair representation. He tells the voters what was clearly true—"that a seat in parliament cannot be the object of my ambition, for under the

*Speeches of Francis Burdett at the late Election, p. 1. But that it was nevertheless a procession is clear from Cobbett, Political Register, vol. VI, p. 257.

**Cf. *ante*, p. 43.

***Speeches of Sir Francis Burdett, etc., P. 7.

present circumstances of the House of Commons, I could, for much less exertion than it has cost me in the prosecution of this contest, obtain ten seats in that assembly for my family for ever.* When the poll swings to the advantage of his opponent, Burdett is not dismayed. He advises the crowd of his admirers to 'be active and canvass!' If you are anxious to maintain the liberty of your country, 'be active and canvass!'** He takes no notice of attempts to defame his character; all he wishes for is a "clear stage and no favour."*** Mainwaring continued his advantage, but Burdett each day continued his speeches, calling forth loud acclaim ,refusing to be perturbed by the apparent majority of his opponent, but warning his hearers that

> if we fail . . . this is likely to be last contest for Middlesex; and to those freeholders who now hang back I have no hesitation in saying that, if they persist in their inactivity, their votes will become valueless; for no man will be found to ask their support or stand forward for the representation upon public or popular grounds.

On the thirteenth day of the poll, the baronet makes a longer speech than usual to refute the gross charges which had been made against him.**** He particularly defends his attack on Cold Bath Fields prison, and he is careful to point out that he knows nothing of his opponent—says nothing of him.

> "I do not consider myself opposed to him personally. The question is not merely whether he or I shall be your representative. You are all perfectly aware that our struggle is against a system, not an individual—against a system supported by servile, yet arrogant justices and unprincipled contractors, who have made my opponent their tool for the purpose of destroying the independence of this county."

He concludes by pointing out that "my principles, Gentlemen, stand on the genuine basis of the British Constitution, which consists in a fair exercise of the prerogative of the Crown, controlled and regulated by the rights and interests of the people."

*Speeches of Sir Francis Burdett, *etc.*, p. 8.
**_Ibid._, p. 5.
***_Ibid._, p. 16.
****_Ibid._, p. 34.

The next day, Burdett returned to this favorite theme, the constitution which he considered "an unsullied gem, not to be touched by polluted hands, but it may be stolen by corrupt ministers and a counterfeit held up in its place."*

On the fifteenth and last day of the poll, 6 August, Mr. Mainwaring had a majority of five. But "after the decision (of the sheriffs) on some of the objected votes the numbers were: Burdett—2833; Mainwaring—2832." This, however, was not formally announced before Burdett made a short speech, telling the crowd that the court was closed and that no announcement would be made until the following day. On the next day, the sheriffs reversed their decision and declared that Mainwaring had been elected by five votes. There were numerous protests and a request was made to the sheriffs that the poll should be cast up in the presence of an agent on each side. The sheriffs refused this request and immediately dissolved the court by proclamation.**

When the business of the hustings was declared to be finally at an end, Mr. Mainwaring (the victorious candidate) was conveyed, under the protection of the police, to the house of a friend. Sir Francis walked with friends to a near-by house. His supporters became clamorous, but one Peter Moore entreated them to conduct themselves in an orderly manner. The crowd shouted for a chairing, but Moore told them Sir Francis did not wish it. If he should hereafter be declared the legal representative of the county then a chairing would be in order and "infinitely more glorious as their victory would be quite complete."

Aside from the daily speeches and formalities on the hustings, the election had been accompanied by a certain amount of rioting and turbulence. In this respect the election of 1804 was similar to that of 1802. The Anti-Jacobin, one of the most conservative of the weekly papers, commented that

*Speeches of Sir Francis Burdett, etc., pp. 39, 43.
**Ibid., pp. 47-59.

the sentiments [which we expressed] on the 1802 election are equally applicable here. We had hoped that having heard what was thought of the election of 1802 men of importance would have turned away and given no support. But alas! a spirit of faction it seems not only stifles all the generous feelings of genuine patriotism, but subdues all sense of shame . . .

Since 1802, the writer continued, Sir Francis Burdett had kept old friends and acquired new.

. . . He had, when at Paris, courted an intimacy with the libeller of his country, Thomas Paine; he had selected for his associates at home men the most notorious for their disaffection. . . .

But it is interesting to note that the writer admits that the election ". . . is of too much consequence to be passed over with a slight notice like any other of the ordinary occurrences of the day."* The first condemnation ended with the words "To be continued"; but it is explained later that the appearance of a pamphlet on the question "supersedes the necessity for the continuance of the narrative."** Nevertheless, the writer speaks of the meeting at Hackney with horror.*** One man who was guilty of canvassing for Burdett, brought down on himself the wrath of a rising young political man, Henry Brougham. "In my way of thinking," Brougham wrote, "canvassing for Burdett, is raffish, except in people of some consequence. In others it is dirty work — fit for tools — not men. . . ."****

Rioting there was, but more marked than the rioting were the elaborate preparations to prevent it. The authorities remembered the excitement of the proceedings of 1802. Three days before the poll was opened the chairman of Mainwaring's committee wrote to Lord Hawkesbury, the Home Secretary. He desired that directions be given to magistrates and public officers to

*The Anti-Jacobin, vol. XVIII, p. 439.
**Ibid., vol. XIX, p. 403.
***Ibid., vol. XIX, p. 414.
****R. H. M. Buddle Atkinson and Jackson, G. A., Brougham and His Early Friends. Letter to James Loch, vol. II, p. 149.

be active in preventing a repetition of the disorders in the coming election.*

31 July, one P. Colquhoun, a magistrate at Hammersmith, wrote to the Home Office: "I attend daily (as magistrate) in the centre of the road between Turnham Green and Hammersmith. Several broils have obliged me to hold petty sessions — Nothing serious. Vigilance will be exercised . . ."** After the poll was closed he reported to the Home Office that there had been no actual riot during the whole election, although "there was that species of licentiousness which the lower classes . . . assume on such occasions." Insults and attempted assaults took place on Mr. Mainwaring.***

One place where mob violence frequently occurred during the fortnight was outside the "Globe", a public house in Moorgate. Seditious and inflammatory speeches were made every evening, we are told, from this place. A Mr. Frost was frequently the speaker.****

During the course of the election there were three dinners at the Crown and Anchor tavern off the Strand. At each of them Burdett made a speech. But there is slight reference to public matters. Burdett declares himself "ever the determined opposer of tyrants, in whatever country they rear their heads, whether in England or France, whether they bear the name of Pitt or Bonaparte."***** At the second dinner the baronet attacks the frightful burden of taxation, which has appeared not alone in England but in every part of the empire. It is the weight of taxation, he believes, which oppresses the national spirit and reduces its vigour. Aside from these two subjects, Burdett con-

*Letters and Papers—1804—Supplementary, "Middlesex Election", H. O. 42/77, 19 July, 1804.

**Ibid.*, 31 July, 1804.

***Ibid.*, 19 August, 1804.

****Ibid.*, 4 and 7 August, Public Office, Worship St. to Home Office.

*****Speeches of Sir Francis Burdett, *etc.*, p. 64.

fined himself to encouraging the canvass and refuting slanders from opponents and calling attention to corruption of their methods of securing votes.* On the occasion of each of these dinners, there were crowds in the streets adjoining the Crown and Anchor and a certain amount of riotous demonstration. Some arrests were made each time **

Cobbett reported the election very fully.*** In the POLITICAL REGISTER for 1 September, 1804, when it appeared that the baronet had been defeated, Cobbett praised the man whom he had condemned two years before.**** He is forced to admit that "during the recent election, and indeed ever since his former election I have seen nothing to find fault with. In some of the opinions which he has expressed I have . . . disagreed with him; but these were mere opinions . . ." Cobbett is generous; he thinks that "of whatever Sir Francis Burdett is disposed to perform, the performance will not fail for want either of talents, of courage, or of constancy. . . ." Certainly the editor thought many of the baronet's acts and speeches in the election of 1802 "were seditious to a degree bordering on treason; [but] if nothing of a seditious nature has appeared in the conduct of Sir Francis Burdett since that election, upon what principle will his opponents justify their resentment against him, while they are so ready to overlook the political sins of others?" It is possible that here is the key to Burdett's non-participation in affairs in parliament between 1802 and 1804. He felt that too much of a storm had been raised in the first election, and that an unenviable publicity should be counteracted by comparative silence. Patterson suggests that it was "perhaps because his Middlesex seat was so insecure."*****

*There is a brief summary of the election in Jephson who omitted all mention of the first one, *op. cit.*, vol. I, p. 307-9.

**H. O. 42/77. There are eleven pages of sworn information against these rioters.

***POLITICAL REGISTER, vol. VI, p. 257, *et seq.*

****Ibid.*, vol. VI, p. 333.

*****PATTERSON, *op. cit.*, vol. I, p. 169.

Yet Cobbett in September 1804 was not wholeheartedly on Burdett's side. He argues for Burdett's support as if trying to convince himself as well as his readers; but two years later on 1 November, 1806, he had completely come over to his support, and writes that:

> I did not then (1804) know Sir Francis Burdett. Since that time I have known him personally, and I *know* as far as the nature of the case admits of certain knowledge that his views are the same as my own, and that, with some little difference, perhaps, as to *means,* our common end is to preserve the kingly government and constitution of our country; to restore as far as may be without hazard to these, the popular rights that may have been lost or impaired.*

During the years 1803-04 Cobbett was studying the financial situation and had become the vigorous opponent of what he called the "paper aristocracy . . . the numerous and powerful body of loan-jobbers, directors, brokers, contractors and farmers general which has been engendered by the excessive amount of the public debt and the almost boundless extension of the issues of paper money."** This too was a perennial subject for Burdett's attack. Cobbett in 1804 declared himself in sympathy with the baronet on this question at least.

The election of 1804 inevitably gave rise to a revival of the cry of "Jacobinism" with Sir Francis Burdett as the leading Jacobin.*** This arouses Cobbett's anger, particularly because the cry was raised "principally if not entirely [by] the sect of Methodists." This sect worked hard, Cobbett says, "to conjure up the ghost of Jacobinism . . . by candid and godly efforts."**** The publication of articles from the Register by the Middlesex friends of Burdett seems to mark the final establishment of the cordiality of Cobbett toward Burdett. Cobbett defies any man to read those articles and "then say if he can that he believes

*Political Register, vol. X, p. 683.
**Ibid.*, vol. VI, p. 372, 8 September, 1804.
***Ibid.*, p. 412, 15 September.
****Ibid.*, p. 446, 22 September.

the persons by whom they were circulated to be Jacobins — impossible!"*

For the moment, however, in spite of all the discussion, Mainwaring was the member for Middlesex. Parliament was summoned to meet 4 September, 1804, but it was prorogued to 15 January, 1805. Beginning 25 January, there was a multiplicity of matters concerning the Middlesex elections. In the first place the old committee of the previous spring made its report on the election of 1802,** and in addition a petition was presented from the electors of Middlesex complaining of the behavior of the sheriffs at the close of the 1804 election.*** The committee had decided that in 1802, Mr. M. Mainwaring had been elected: while the petition was to the effect that the son, Mr. G. B. Mainwaring, had been falsely returned in the election of 1804. Three days later another petition was presented to prove that G. B. Mainwaring, even if elected, was not capable of sitting in the House since he was not a knight of the shire.**** was decided that the sheriffs had acted in violation of their resolutions were agreed to by the House. These were condemnatory of the sheriffs. There were several tedious debates before a decision regarding them was finally reached. 11 March it duty, contrary to law, and in breach of the privileges of their duty, contrary to law, and in breach of the privileges of the House of Commons. It was ordered also that they be committed to his Majesty's gaol of Newmarket.*****

Meanwhile the matter of the petitions protesting the return of the 1804 election had gone forward. A committee on the peti-

*Political Register, vol. VI, p. 510, 29 September.

**Parliamentary Debates, vol. III, p. 133.

****Ibid.*, vol. III, p. 139. This petition had been drawn up by friends of Burdett. He wrote to Creevey, 18 August, that it had been taken out of his hands "in a manner most flattering and honourable." Patterson, *op. cit.*, vol. I, p. 150.

*****Parliamentary Debates, vol. III, pp. 139, 147.

******Ibid.*, vol. III, pp. 829 *et seq.*, pp. 839 *et seq.*

tion was appointed 19 February.* It reported, 5 March, that it resolved that Mainwaring was not duly returned and that Sir Francis Burdett ought to have been elected. The report was accepted and the clerk of the crown was ordered to cancel the name of Mainwaring, and insert the name of Burdett.

Thus the baronet was restored to the House of Commons to the great jubilation of William Cobbett who immediately celebrated it in his journal.** An Englishman—a veritable John Bull—delighted in such a highly respectable representative. The following week there appeared in the REGISTER a longer, more detailed article, but it added nothing new. It was nevertheless wholeheartedly in praise of a man whom a short time before he had bitterly attacked. Cobbett acquainted his readers with his change of opinion in the REGISTER of 5 January, 1805, in case they had not been able to read between the lines at the time of the election. In an article entitled "To the Public", he said:

> . . . it was natural to suppose that the part which I thought it my duty to take respecting the MIDDLESEX ELECTION would operate unfavourably against the REGISTER; because all those whose eyes have not been constantly fixed upon political causes and events might have been regarded as likely to condemn a conduct which to them would inevitably seem inconsistent if not involving an abandonment of principle . . . no such effect has, however, been produced and . . . there are very few . . . men in the kingdom who . . . are not now as anxious as I am to see Sir Francis Burdett seated as one of the members of this county.***

But the question of the election was not yet settled. 13 March, a petition was presented from Mainwaring and five others declaring Sir Francis Burdett and his friends guilty of all sorts

*PARLIAMENTARY DEBATES, vol. III, p. 559.
**POLITICAL REGISTER, vol. VII, p. 384.
****Ibid.*, vol. VII, p. 2.

of corruption at the election and alleging that Mainwaring had a large majority of votes and ought to have been returned.* Before the House could take up the petition, Charles Abbot, the Speaker, announced that he had received a declaration from Sir Francis Burdett informing the House "that it is not my intention to defend my said election or return."** Burdett said that the reason for his action was that not enough time was permitted by the House to gather together the list of names with the objections to them for delivery to the House. But the key to the real reason may lie in the following, which is dated 16 March, 1806: ". . . from a friend of Sir Francis Burdett he [one Hayes] had learnt that the two Middlesex elections had cost Burdett £56,000 and he had probably paid £3,000 or £4,000 more to relieve persons who had been prosecuted on his account."*** Upon Burdett's declaration being received the House fixed a date for taking the petition into consideration. But again a declaration from Burdett was presented to the effect that it was not his intention to defend the petition as far as it related to the majority or to the votes, but that he wished to defend himself against the charge of bribery and corruption. Exception was taken to this because unless the declaration was final it could not be received. Mr. Calcraft who had presented it, said that he would withdraw it and present another as soon as he could secure Burdett's signature. But the Baronet was, he said, "indisposed in the country." This was evidently the first declaration and precedes the one already referred to.** On the 5th of May, Creevey presented a petition from "certain freeholders of Middlesex in the interest of Sir Francis Burdett praying for the right to defend Burdett's return

*Parliamentary Debates, vol. IV, p. 2.

**Ibid.*, vol. IV, p. 212. There is some confusion here. This declaration was inserted in the London Gazette, 7 May, 1805. It is dated 1 May, 1805. But it and the Speaker's announcement are printed under date of 5 April. Patterson, *op. cit.*, vol. I, p. 151, dates it as 6 May, 1805, but cites no authority for his statement.

***Farington Diary, vol. III, p. 163.

****Parliamentary Debates, vol. IV, p. 379. The Speaker's diary has no mention of any of the Middlesex controversy during 1805 except the committal of the sheriffs for their action in the election of 1802.

in place of the baronet who had declared that he did not intend to."* The House received this petition and granted its prayer. But though several attempts were made by different members to secure a day for hearings on the petition, nothing was done before the Session was closed.**

Thus in effect, Middlesex was deprived of one of its representatives for a whole session of Parliament, lasting from 5 January to 12 July, 1805. In February, 1806, the perennial question was reopened. A committee was appointed to try the merits of the petition of the 13th of the previous March.*** Their report, 10 February, was to the effect "that the Committee had decided that Burdett was not duly elected and George Boulton Mainwaring was duly elected." It was ordered the same day that the return should be amended by erasing the name of Sir Francis Burdett and inserting the name of Mainwaring.**** An attempt to reopen the question of Mainwaring's eligibility on the ground of his not being a knight of the shire was unsuccessful.***** Accordingly George Boulton Mainwaring took the oath and his seat in the House of Commons as the representative for Middlesex on 13 February, 1806.

Where Burdett was during these days we do not know. He must have been in town in July, 1806, for we hear that he addressed a Middlesex meeting. In the old environment, he appealed to his old god, the people. He is reported to have said, the Government

"being now deserted by all *foreign* allies, has only to look to its old and faithful ally—the people; with whose affection properly conciliated, and with whose power judiciously directed, the country may yet be extricated

*Parliamentary Debates, vol. V, pp. 169-170.

**Ibid., vol. V, pp. 182, 535.

***This was the petition of Mainwaring complaining of corruption and bribery on the part of Burdett and his associates. Cf. *ante*, p. 54.

****Parliamentary Debates, vol. VI, p. 157-8.

*****Ibid., vol. VI, p. 183-185.

from its difficulties and restored to the glorious eminences which it formerly occupied and which, but for the folly and wickedness of those servants of the public who have perverted its resources to the gratification of their own ambition and avarice, it always would have occupied in the world. But in order to secure this old and faithful ally, there must be a *radical reform in the expenditure of the public money.* Here is the point at which to begin. Without this nothing good can be effected; for, can it be believed that the people will cheerfully make sacrifices in order to furnish forth the means of *waste?*"*

Popular feeling has been aroused to the waste of public funds through the disclosures that had resulted from the tenth report of a commission which had been appointed in 1803 to inquire into the administration of the Naval departments.** In this report the commissioners called attention to the fact that large sums of money which had passed through Lord Melville's hands were utterly unaccounted for. In addition, Lord Melville's conduct during the investigation was not that of an innocent man.

The matter was brought before the House of Commons by Samuel Whitbread 8 April, 1805.*** Immediately public meetings were held in the popular constituencies. London was the first, followed by Southwark, Westminster and Middlesex. Lord Melville resigned, but before that numerous county meetings had adopted and sent petitions to the House of Commons. Impeachment proceedings were started, but the trial did not occur until April 1806. A committee of the Lords found him "not guilty."****

Before there was an opportunity for the public to express its feeling in a general election, a by-election for Westminster occurred and revealed political corruption still further. Charles

*Political Register, vol. X, p. 170, 2 August, 1806.
**Parliamentary Debates, vol. III, p. 1147.
****Ibid.*, vol. IV, p. 255.
****There is a good summary of the affair in Jephson, *op. cit.*, vol. I, p. 309.

James Fox died 13 September, 1806, and it was necessary to fill his place as representative for Westminster. His death had brought to an end a party truce in the constituency. This agreement had been made before the election of 1790, to bring an end to the expense of contests. "It was agreed that each party should propose and support only one candidate respectively . . . so long as either the Duke of Portland or Mr. Fox on the one part, and Mr. Pitt or Mr. Grenville on the other are alive."* The principals in this agreement were now dead. Cobbett seems to have looked forward to a time when the arrangement might be broken, for 9 August, 1806, a month before the death of Fox, he published in the REGISTER the first of four eloquent "Letters to the Electors of Westminster". In one of these, 27 September, he exposed the plot which had been formed for the by-election.** On Fox's death an arrangement was made to hand over his seat for Westminster to a pure party nominee. This was Lord Percy, a very young man of no political experience, whose sole claim was that he was the son of the Duke of Northumberland. The plan by which Sheridan was to stand and then drop out at the last moment succeeded perfectly. The election of Lord Percy occurred 7 October, by a show of hands.*** The committee seems to have attempted to secure other candidates or perhaps this was only a sham. Whitbread was invited, but declined in favor of Lord Percy. This called forth Cobbett's invective. He tells his readers that he had never liked Whitbread and now despises him more than ever.****

Burdett was invited also at this time to stand for Westminster but declined in a letter of 29 September. It was written to one Paull who had applied to him in the name of the committee. He is honored by the invitation, he writes. He considers a seat in

*Laprade, "William Pitt and the Westminster Elections," AMERICAN HISTORICAL REVIEW, vol. XVIII, p. 253.

**POLITICAL REGISTER, vol. X, 27 September, 1806.

***THE TIMES, 8 October, 1806.

****POLITICAL REGISTER, vol. X, p. 520, 4 October.

parliament by the uninfluenced choice of a free people as an honour beyond any that the crown or ministers can bestow. But he cannot accept the invitation for

> . . . I am bound in honour and gratitude to the independent freeholders of Middlesex and I will never on any personal account forsake them. But for any advantage to be derived from it to the public I would cheerfully relinquish all my pretensions to-morrow. Nor would I ever have presumed to be a candidate for that county but that I am persuaded that in order to rescue the country from its present calamitous and disgraceful thraldom, we stand more in need of intergrity than talents.*

Elsewhere in the letter he definitely states that he will give his vote for Lord Percy.**

The baronet's political sense was touched however for before the end of the month of October he published an Address to the Freeholders of Middlesex, which began by saying "Whenever the contending parties and factions in a state unite, the history of the world bears evidence that it is never in favour of but always at the expense of the people." ". . . Such a declaration," writes the anonymous author of the baronet's brief memoir, "was to the aristocratical interest like brushing a hornet's nest."*** In the course of this address the baronet also told the electors

> . . . that a double imposture is attempted to be passed on you. The watchword of one party is 'the best of Kings', the watchword of the other is 'the best of patriots'; but neither of these parties will descend to particulars and inform you what the 'best of kings' and the 'best of patriots' have already done or will do for you. What they have done for themselves we know and feel; what further they have done for us we can only conjecture.****

The address was well-timed. On the 24th of October, Parliament was dissolved.

*Political Register, vol. X, p. 518. Patterson also quotes this, vol. I, p. 177.

**This is in the letter as printed in The Times, 2 October, 1806.

***Sketch of the Private and Political Life of Sir Francis Burdett, p. x.

****Wallas, Life of Francis Place, p. 43. Patterson, *op. cit.*, vol. I, p. 182.

In the general election which followed Burdett divided his time between the hustings of the poll for Middlesex and those at Westminster. At the first place he was one of the candidates; at Westminster he worked in the interests of James Paull. As far as Middlesex was concerned, Burdett refused to put himself forward as a candidate, or to spend his own money on the contest. He failed to have the support of any of the Whigs, possibly because they considered that in speaking of "the best of Patriots" he referred to Fox, so lately dead. The poll for Middlesex opened 11 November and continued until the 27th. Without the support of either his own wealth or any aid from the Whigs, Burdett had little chance to win the election. Nevertheless he polled 1197 votes to 3215 for Mellish and 2304 for Byng. He made a speech each day at the close of the poll. When he spoke the first day, one observer noted a change in the public:

> Although the populace were mostly in favour of Burdett, they were not so tumultuous and riotous as they had been on former occasions and numbers of Mr. Mellish's and Mr. Byng's cockades were worn in the town of Brentford without exposing the wearers to the slightest insult. Whether this comparative tranquillity proceeds from the Westminster election proceedings distracting the attention of the populace, or whether it is owing to Sir Francis Burdett not lavishing so much money as on former occasions, we are not able to determine.**

The Times, though markedly anti-Burdett, continued to report the progress of both the election for Middlesex and that for Westminster under separate headings. Those in other constituencies were grouped together and discussed briefly. Burdett seems very definitely to have changed his tactics this time, for 17 November we find him saying at the close of the poll

> "that he had seen with pain [with pain!] the advertisement and printed account of the proceedings of his friends who had resolved on a subscription for furnishing carriages to bring up the electors to the poll. — It was his pride to be supported by the voluntary exertions of the truly independent

**The Times, 12 November, 1806.

electors who honored him with their votes."*
The poll at Westminster was not completed until 27 November. On that day when the numbers were announced the two winning candidates prepared to enjoy a chairing "but both gentlemen were attacked in the short progress they attempted to make by the enraged mob and so pelted with mud and so reviled by every epithet of insult and abuse as to feel it prudent to retreat in their carriages . . . popular violence (was) repeated as they (the candidates) passed through the town."** But this was all contradicted in the paper the next day. Burdett delivered a speech of "considerable length" in which he declared he felt not the slightest diminution of attachment to the cause of the people.

Candidate for Middlesex, Burdett was at the same time patron and chief supporter of one James Paull in Westminster. In the previous parliament Paull had been a member for Newton, a Hampshire borough in the Isle of Wight. It was he who had written in the name of a committee to Burdett to invite him to stand for Westminster in October.*** On 30 October, a meeting was held at the Crown and Anchor tavern in the Strand. Sir Francis Burdett was in the chair and recommended Paull to the "independent part" of the electors. The plan of committees and canvassing was described to the meeting. The baronet said this plan must be acted upon in order to secure the election of Mr. Paull. Following this both Burdett and Paull withdrew and Cobbett took the chair.**** He had come to town for the purpose of assisting Paull. He is anxious not to be thought of as "having thrusted himself forward." He writes rather amusingly: "I *love home*, perhaps to a fault. I shun public scenes, and as to popular applause, one single tune from the Robin, who at peep of dawn sings at my window gives me more pleasure than would the united

*The Times, 18 November, 1806.
**Ibid.*, 28 November.
***Cf. *ante*, p. 58.
****Political Register, vol. X, pp. 676, 681.

shouts of a nation."* Thus Cobbett who was to hear the united shouts of at least a part of the nation.

The Westminster election commenced on 3 November. Burdett proposed James Paull and made a speech in his interest. The popularity of Burdett, Cobbett says, was apparent by the applause which greeted him.** Sheridan and Sir Samuel Hood were the other two candidates. As the election proceeded Sheridan and Hood appear to have made a "coalition". A joint committee was appointed and "the voters who had been engaged for Sir Samuel Hood alone were now ordered to split their votes." The effect of the coalition was rapidly to increase Sheridan's vote.***

During the course of the election, the MORNING CHRONICLE carried news that Cobbett had attempted to come to similar terms with Sheridan. The journalist proved that such an offer had never been made. He wrote to Sheridan and failing to receive a categorical answer, questioned him at the hustings, but received no reply.****

Burdett's championing of Paull was in vain; Sheridan and Hood were elected; but Cobbett said he [Cobbett] enjoyed the experience. "To have taken part in the contest will always be my pride."***** Paull was not far behind the official Whig.****** The poll for Westminster closed 19 November. At the end of the day a dinner was given at the Crown and Anchor. Major Cartwright was in the chair; but Sir Francis Burdett was also present and the recipient of a toast: "Sir Francis Burdett whom knaves hate and honest men venerate." Sir Francis gave: "Defence on right principles by armed property and freedom, which

*POLITICAL REGISTER, vol. X, p. 682.
**Ibid.*, p. 712. The speech appears in THE TIMES, 4 November.
***Ibid.*, p. 755.
****Ibid.*, p. 755 *et seq.*
*****Ibid.*, p. 814.
******Cole, *op. cit.*, p. 123.

has not been resorted to by our rulers with constitutional fidelity."*

The vote which James Paull had received encouraged men to believe that another time strong and independent candidate might carry both seats. During the election Francis Place, now cautiously and for the first time interesting himself in politics, sent Paull some suggestions for organization. Place conceived the idea that "a few men of business and spirit . . . should act together, and hold themselves ready for action when an opportunity offered."** Here was the beginning of the committee which was responsible for Burdett's election in May, 1807.

An interesting incident in the election of 1806 which suggests Burdett's importance at the time appeared in a letter to the Morning Post which was quoted by Cobbett. This was written by one O'Bryen to explain that he did not vote for Sheridan in the election because of some mysterious delicacy to the memory and the grave of Charles James Fox. But the writer cannot possibly vote for Paull because of his connection with Sir Francis Burdett. Yet O'Bryen says he should be disposed for Burdett, for

"He is a perfect gentleman in the truest definition of that term. With the mildness of an infant he unites the immoveableness of a Stoic. Pride in its bad sense is utterly unknown to him, and of all living beings I conceive him to be the most perfectly free from every vestige of the arrogant and the supercilious. The conduct of public men he discusses with freedom; but his lips are never polluted by a personal calumny!"***

In spite of all good qualities O'Bryen feels he can never support the baronet or anyone who swears by him — Why? — because he aims at absolutism, the despotism of a combined Cromwell and Napoleon! This secret ambition, the writer insists, was revealed to Fox in 1802 and to the Duke of Bedford. The reader

*The Times, 20 November. *Cf.* also Cartwright, *op. cit.*, vol. I, pp. 342, 347.

**Wallas, *op. cit.*, p. 44.

***Political Register, vol. X, p. 849. Perusal of many of Burdett's speeches seems to corroborate this.

of O'Bryen's letter must conclude that Burdett to be the boarer of such an ambition is a man indeed! Cobbett was much amused by what he called "Mr. O'Bryen's Most Marvellous Discovery."

The writer of the letter makes an observation which was often to be repeated later; he comments upon the want of warmth of temperament in Burdett. Major John Cartwright, writing to the baronet at almost the same time deplores much the same thing. "While many," he writes, "by your penetration, your honesty and your indignant warmth shall be enlightened, animated, fired with enthusiasm, some, I fear, by this your tone will be *chilled* . . ."* Yet it was to the efforts both vocal and monetary of Burdett, that much of Paull's gains in the election were to be counted.**

The new parliament was opened by commission 15 December, 1806. Sir Francis Burdett had no seat, not even a disputed one, for the first time since his appearance as a member in 1796. Though Fox was gone from the "Ministry of All the Talents", his colleagues were there. Grenville continued as prime minister. There was only three members of the old Tory party, Addington, Viscount Sidmouth, President of the Council; William Windham, Cobbett's former patron, Secretary of War; and Lord Ellenborough, Lord Chief Justice. The Middlesex elections had always brought petitions to the House. Now Westminster produces them. 20 December, Lord Folkestone presented a petition from James Paull complaining of the undue return of Sheridan to the Commons. It stated that Sheridan had been guilty of bribery and corruption. There was the usual postponement and delay. Before a ballot was taken, a second petition was presented, claiming that Sheridan had been bribing and corrupting witnesses whom Paull hoped to call to prove bribery in the election itself. Sheridan defended himself and was aided by Grey; but Folkestone stated his intention of founding a motion on the subject

*Cobbett prints it, POLITICAL REGISTER, vol. X, p. 718.

**Burdett subscribed the sum of £1,000 towards Paull's election. SKETCH OF LIFE OF BURDETT, ETC., p. x-xi. Also Patterson, *op. cit.*, vol. I, p. 194.

of the petition. 2 March, he moved that the petitioner be heard and his counsel and witnesses also. Grey urged the House to confine itself to the examination simply to the point charged that Sheridan had tampered with witnesses and not to permit itself any consideration at this time of the merits of the election. Counsel for Paull was called. He explained that the witnesses were men of low and humble station but that Mr. Paull desired the House to hear all of them.

"When the whole of the evidence should be before the House, he was sure it would not seem too much to ask for their interposition. Mr. Paull asked the House to take the witnesses under its protection till the trial of his petition. . . . It was vain, if tampering with witnesses were allowed, to hope that the House would be fairly constituted or the people fairly represented."*

The witnesses when called proved to be a motly crew, frightfully disturbing to the niceness of the members. One of them named Drake was the husband of a natural daughter of Sheridan, and undoubtedly was piqued at the treatment he had received. Paull himself was below the bar of the House and made some disturbance. Yet the testimony of the witnesses, confused as some of it was, gives evidence of attempts on Sheridan's part to keep them quiet. The matter rested for the moment. 5 March, Mr. Plumer, counsel for Paull, summed up his position. There was further examination of witnesses called this time by Sheridan; it included cross-examination by the House and by various persons in behalf of Paull. In the course of the examination Cobbett's name was mentioned as having been associated with Drake who seems to have been the star witness for the petitioner.** When the examination was over, Mr. Sheridan said "he thought it but justice to Mr. Cobbett to state that notwithstanding what Drake had asserted he (Sheridan) was fully satisfied that he (Cobbett) was entirely unconnected with the scandalous proceedings . . ."*** The matter was concluded 18 March,

*Parliamentary Debates, vol. VIII, p. 1060. 2 March, 1807.
**Ibid., vol. IX, p. 46.
***Ibid., vol. IX, p. 57.

1807, when Sheridan spoke in his own defense. Another member, one M. A. Taylor, submitted a motion: that allegations contained in the said petition (of Paull) are false and scandalous. Lord Folkestone failed to find any evidence for Taylor's charge. But after Whitbread* had spoken strongly in Sheridan's defense, and in support of Taylor's motion, the latter's proposal was agreed to, "Lord Folkestone alone having faintly said 'No'."**

This concluded the attempt of Paull to secure his seat for Westminster. Parliament was prorogued 27 April and, two days later, dissolved. With the dissolution the chapter of Sir Francis Burdett's connection with Middlesex is concluded also. His attempt to represent the county as an "independent" member had resulted only in final failure and the expenditure of a large part of his own private fortune.

*Samuel Whitbread had been one of Sheridan's more faithful supporters throughout the election in November, 1806.

**Parliamentary History, vol. IX, p. 158. Colchester, *op. cit.*, vol. II, p. 102.

III.

MEMBER FOR WESTMINSTER, THE REWARD OF A REFORMER, 1807-1809.

The election in May 1807 which resulted from the dissolution of 29 April, saw the realization of the wildest dreams of the independents in the constituency of Westminster. Both of the men who were elected, Sir Francis Burdett and Lord Cochrane, were endorsed by the independent committee.

More than a month previous to the dissolution the Grenville ministry resigned on the Catholic question. The resignation did not occur, however, before they had at the last moment secured the King's consent to a bill for the abolition of the slave trade. Apparently, they did not expect to meet defeat on the Catholic question. Grey, as Foreign Secretary, looked upon Irish dissension as a source of weakness in the foreign policy of England. Knowing outright emancipation to be out of the question, he introduced a palliative measure, namely, to secure the Roman Catholics of Ireland from disabilities in the army on English soil, a security they already enjoyed in Ireland. Learning at the last moment of the King's opposition, Grey withdrew his bill before it had advanced to the second reading. But the King required of the cabinet the same pledge that he had in 1801 required of Pitt. At this juncture, Grey and the whole cabinet resigned. The extreme Tories after some negotiation came in under the Duke of Portland.* In the election which followed the change of government, the Grenville - Lord Grey party lost very heavily; and the result endorsed the new Tory ministry.

The day following the dissolution the Westminster independent committee consisting of a few electors met at the house of Francis Place to make plans for running two candidates. Such

*Colchester, *op. cit.*, vol. II, p. 102 *et seq.*; Trevelyan, *op. cit.*, pp. 154-159.

a possibility had been in the mind of Place at least since the election of the previous November. The committee decided on this occasion to run Burdett and Paull. Their task proved a difficult and thankless one because of the relations between the two candidates. In a public notice to the press, 29 April, Burdett anticipated the committee's decision by notifying the electors of Westminster that he could not consent to become a candidate for any seat in Parliament.* The same day appeared a kind of farewell address to the electors of Middlesex. In it Burdett said:

> In this desperate situation of our affairs (for such I esteem it) I cannot consent to become a candidate. . . . With the omnipotent means of corruption in the power of our spoilers, all struggle is vain. We must wait for our redress and regeneration till corruption shall have exhausted the means of corruption; and I do not believe that period very distant; the present ministers being likely to be our best friends in hastening it. Till that time shall arrive, I beg leave to retire from all parliamentary service; without the least abatement of zeal for the rights and liberties of my countrymen to which I will always be ready to sacrifice my own interests, in any manner, whenever there shall appear the smallest prospect of success.**

Three days after these two announcements appeared Burdett and Paull fought a duel in which both were seriously wounded. Apparently ill feeling between them was of long standing. Burdett had been persuaded rather against his will to support Paull in the election of 1806. Nor had he been in favor of the petition and Paull's action regarding it in the session of Parliament just concluded. Nevertheless, he seems to have subscribed money for its initiation, but he refused Paull's request for additional money in April. Burdett was probably sincere in his refusal to become candidate, and really believed his Parliamentary career was over at least for the time being. But Paull, apparently, had realized

*The Times, 29 April, 1807. In the same issue appears the statement that: "Mr. Sheridan declines standing for Westminster. The candidates are Colonel Elliot and Samuel Hood vs. Lord Cochrane and Mr. Paull."

**Patterson, *op. cit.*, vol. I, p. 196, prints the letter to the electors of Middlesex. Also in The Times, 30 April.

the value of Burdett's popularity the previous October and was insistent. 28 and 29 April, advertisements for a dinner at the Crown and Anchor Tavern were posted about. They bore the announcement that Sir Francis Burdett would be in the chair. Burdett, immediately upon hearing of it, wrote to Paull expressing his displeasure and his intention to have done with elections; but upon Paull's request he did not publish a disavowal. 30 April, although Paull had apologized for the first ones, similar advertisements appeared. Then, 1 May, the baronet read that Mr. Paull was to be in the chair at the dinner since "it is intended to move resolutions that personally apply to Sir Francis Burdett."* Paull had evidently made up his mind to secure the popular baronet as his colleague. Of this popularity there seems to be no doubt. Earlier in the year a dinner had been given to him at which Cobbett reports fifteen hundred people sat down.** But Sir Francis was as insistent as Paull. He now sent his brother, Jones Burdett, to the dinner, 1 May, with a written communication which was a public disavowal of any intention to sit in parliament and an expose of Paull's insistence and the action he had taken contrary to Burdett's wish.*** The initiative for the duel which followed was taken by Paull. In the middle of the night of 1-2 May Mr. Paull and his second, a Mr. Cooper, drove to Burdett's house at Wimbledon. Cooper talked to Burdett, for an hour and a half, one account says, and then took the answer to Paull in the carriage. After a second interview, they drove to Kingston and took a room at Castle Inn. Burdett joined them at seven o'clock in the morning, but Mr. Bellenden Ker, Burdett's second, did not arrive until half past nine. Both parties then went to Coomb Wood. Out of sight of the road Burdett and Paull took their places, the first shots were without effect, but on the second, both fell. Sir

*The Times, 1 May. "principal object (of the dinner) is to move resolutions as to the fitness and propriety of electing Sir F. Burdett."

**Political Register, vol. XI, p. 235. 14 February, 1807.

***"Letter from Horne Tooke to the Editor of the Times" 6 May, 1807. Printed in The Times, 12 May. Also a separate pamphlet by this title.

Francis Burdett was wounded in the thigh, Mr. Paull in the leg. The principals were conveyed to town in the same carriage, under the care of a doctor who had been brought from Wimbledon before the duel.* Paull's wound proved the more serious and three months after, he wrote of "at last feeling some symptoms of returning health!"** Burdett recovered sufficiently to take part in his "chairing", 29 June, but his condition even then was very weak. Perhaps duelling was a habit with Paull, for in the previous January he fought a duel with Elliot, who was now one of the rival candidates for Westminster.*** His duel with Burdett completely upset the plans of the Westminster committee and confounded the editor of the POLITICAL REGISTER.

Cobbett had previously been a very strong supporter of Paull; his association with him in the October election had that result. In the issue of his journal for 2 May, he wrote that Paull was the man the electors of Westminster should have for their representative.**** The next time he addressed them in a public letter he fears it is too late to offer anything in the way of advice for the election. Yet Cobbett is still loyal to Paull.

> I cannot refrain from thus publicly expressing my deep regret, that Mr. Paull is no longer in a state to be thought of as your representative, and more particularly that the cause of his incapacity should also have endangered his life. . . . His conduct in some instances may have been precipitate, rash, violent, but those are faults not of the worst stamp and they are greatly overbalanced by his public virtues.*****

Cobbett acknowledges Burdett to be

> the fittest man to represent you. [But] that you will at this late hour succeed in electing Sir Francis Burdett, he being absent too, I can hardly

*THE TIMES, 4 May. Patterson, *op. cit.*, gives Ker's account in full, vol. I, pp. 203-206. This is perhaps taken from the "ANNUAL REGISTER," 1807, p. 235 *et seq.* Hunt tells of the quarrel and duel from the point of view of a supporter of Paull. MEMOIRS, vol. II, pp. 226-229.

**Tooke, A WARNING TO THE ELECTORS OF WESTMINSTER, 1807.

***POLITICAL REGISTER, vol. XI, p. 3.

****Ibid.*, p. 822.

*****Ibid.*, p. 838, *et seq.*

expect, though I most anxiously hope it, for until his principles prevail . . . neither happiness, nor liberty, nor one moment's safety from without will this our harrassed and distracted country enjoy.

The Westminster committee determined to go on in spite of the duel. 4 May, the TIMES carried advertisement of the members' intention to hold a dinner at the Crown and Anchor. At this dinner both Paull and Burdett were put in nomination. Paull, however, was advised to withdraw. But he announced in the TIMES, 7 May, that he bore no resentment against Burdett and still praised him highly. In effect the committee dropped Paull, continuing Burdett. Another independent candidate had come forward, apparently uninvited. This was Thomas, Lord Cochrane.* He had been elected for Honiton in July, 1806, but the incessant cry of his constituents for places had "heartily sickened" him of further connection with them, and he had made up his mind "to become a candidate for Westminster with the object of adding the weight of an important constituency to my own representations on naval and other abuses whenever opportunity might occur.** Cobbett supported him: "I have no objection, but, on the contrary, I have the highest opinion both of his head and his heart. He has a solid understanding, has much of the right sort of study, reflects deeply, is sober, industrious, politically brave. . . ."***

Burdett's vote in the election grew very slowly. Dn the first day, 7 May, he polled only 78 votes. Lord Cochrane was at the head of the poll. On the third day Burdett's vote reached 309. The first week-end was spent by the committee in vigorous canvassing with the result that on the Monday the baronet received more votes than any other candidate, and on the fifteenth and

*He is usually known by the name of Lord Cochrane, although he later became Lord Dundonald.

**Dundonald, Thomas Cochrane, AUTOBIOGRAPHY OF A SEAMAN, vol. I, p. 215.

***POLITICAL REGISTER, vol. XI, p. 838 *et seq.*

last day, 23 May, he was at the head with over 5,000 votes.* Cochrane closed with 3708. Sheridan and Elliot of the opposite party had 2645 and 2137. Yet Burdett's opponents made every effort to prevent his election. All the old charges were revived against him: that he had been a friend of O'Connor, the Irish rebel; an associate of the traitor, Despard; and that at a county meeting in 1803 he had told his listeners that "the country was not worth defending." Cobbett takes time to refute these charges once more. He says that the intense hatred of the Government faction for Burdett should be sufficient proof of the Baronet's merit. There seemed (19 May) no doubt of his election, but Cobbett urged the electors to return him by an unexampled majority.** The Whigs had turned against Burdett. In 1804 all the Whig leaders, we are told, had upheld his cause. This included the Dukes of Norfolk, Bedford, and Devonshire, Lord Lansdowne, Lord Moira, Grey, Sheridan, and Whitbread. Fox took the warmest interest in his success at that time.*** But when, in 1806, there was thought of his standing again for Middlesex, the leaders of the Whig party, Lord Lauderdale and Lord Holland, said that if there was a man in England to be found to stand they would support him to the very utmost to throw out Sir Francis Burdett.****

If both parties thought of Burdett as an intriguer for power, a man who aimed at the position of a Napoleon or a Cromwell, or both, as O'Bryen thought, the Westminster election certainly failed to prove that notion. Burdett, who stood at the head of the poll when it closed, knew nothing of his candidacy until the tenth day. The doctor had forbidden his being told. But when he knew,***** he accepted the situation. Although he had fought

*Wallas, Life of Francis Place, pp. 45-47. Poll for Burdett was 5134. The Times day by day gives an account. Patterson, *op. cit.*, vol. I, p. 209.

**Political Register, vol. XI, p. 924.

***Patterson, *op. cit.*, vol. I, p. 148. Cf. also Hunt, Memoirs, vol. II, pp. 139-141.

****Granville, Private Correspondence of Earl Granville, vol. II, p. 223.

*****Patterson, *op. cit.*, vol. I, p. 206, gives the date as 15 May. On p. 208 the date 17 May is given. The latter is apparently the correct one.

a duel because Paull had insisted on his becoming his colleague, although he had refused the Westminster committee, he had left the way open to such an eventuality as early as October, 1806, when he wrote to the electors of Westminster.*

The author of the SKETCH OF THE LIFE OF SIR FRANCIS BURDETT says "he was not even allowed to return thanks to the electors."** The "chairing" did not take place until 29 June, but Sir Francis Burdett delivered an address to the electors, 23 May. It treated of one theme: the abolition of peculation and the whole system of corruption.***

Unless the people shall with a united voice loudly pronounce the abolition of the whole of the present SYSTEM OF CORRUPTION I must still despair of my country.**** You, gentlemen, by this unparalleled election have loudly pronounced your sentiments. May your voice be echoed throughout the land. In the mean time, though an individual is as almost nothing in the scale I will carry with me your sentiments into the House of Commons. And I assure you that no rational endeavours of mine shall be omitted to restore to my countrymen the undisturbed enjoyment of the fruits of their industry. . . . and to bring back to men's minds the almost forgotten notions of the sacredness of private property, which ought no longer to be transferred from the legitimate possessors by the corrupt votes of venal and mercenary combinations. — I will continue, Gentlemen, disinterestedly faithful to the interests of my country, and endeavour to prove myself your zealous representative.*****

Here is the campaign pledge given *after* the campaign. It is in such general terms as to be almost pure oratory. Yet the baronet seems to have acted upon it for the next three years until his devotion to the cause of the popular liberties brought upon him the loss of his own freedom. The only surprising omission from his address is the great British Constitution.

*Cf. *ante*, pp. 58-59. Also, his letter of 29 April, 1807, *ante* p. 68.

**SKETCH OF THE LIFE, etc., p. xi.

***POLITICAL REGISTER, vol. XI, p. 962.

****Here is the tone of which Major Cartwright had written. *Cf. ante*, p. 64.

*****The complete address appears in both the POLITICAL REGISTER and in THE TIMES, 30 May.

Meanwhile Cobbett was delighted. The election was wholly an act of the people. No unfair means were resorted to. No appeals were made to the passions, nor, thinks Cobbett, apparently, to the appetites, for he says the whole expense of the election amounted to little more than £700.* "This election is the beginning of a new era in the history of Parliamentary representation and my confident hope is that it will lead to a restoration of independence and purity in the House of Commons."**

The opposition was furious at the success of Burdett through the endeavor of the committee. The MORNING POST, 27 May, expressed its feelings in an editorial:

It is now understood that the chairing of Sir Francis Burdett is to take place on the day of the meeting of Parliament and that as a further insult he is to be conveyed in triumph by the mob to the grand council of that nation which in his cowardice and his treason he wished to lay at the feet of a foreign invader, and whose envied constitution he now calls upon the people to destroy.***

The chairing did not take place, in spite of the fears of the MORNING POST, until seven days after the opening of Parliament. Even then Sir Francis Burdett had to be carried to the "car" by two gentlemen. The chairing seems to have been a spectacle of real importance. Cobbett gives a long and complete description. There were flags for all the parishes of Westminster; banners and mottoes, dark-blue, sky-blue, white; "bands of music, three and three; electors, four and four;" trumpeters on horseback; bugle boys; in short, all the lovely trappings of a triumph.

For this procession there was a great audience. The crowd filled the streets and every available window, every doorway, passage-way, and every balcony. All the parapets and flats on

*POLITICAL REGISTER, vol. XII, p. 283.

**Oldfield, T. H. B., REPRESENTATIVE HISTORY OF GREAT BRITAIN AND IRELAND, vol. II, pp. 285-6, gives a similar importance to the event.

***Quoted by Cobbett in the POLITICAL REGISTER, vol. XI, p. 966.

the houses were covered, chimney-pots, all the roof-ridges, etc., etc. Burdett was the conquering hero, with colors streaming, "the air resounding with blessings upon his head while that sex whose voices could not be heard testified their union of sentiment by the waving of their handkerchiefs or by the scattering of flowers and laurels as he passed." Yet in spite of this huge, milling crowd, there was not, says Cobbett, a single act of violence committed. More than that there was "not even a single accident."* One may only suppose that the tenacity of Londoners to roof ridges and chimney-pots was tremendous in the year 1807!

The description of Burdett himself in the procession, is the recollection of a witness of the event who was at the time a boy of eight, home for the holidays from his first school:

He (Burdett) was drawn in an enormous triumphal car and seated on a chair of state raised so high as to be on a level with the balcony from which I saw the procession. Sir Francis's costume indicated the Whig colours of the day — a blue coat, buff waistcoat and breeches — the wounded limb reposed artistically on a large purple cushion and was covered by a bandana handkerchief. Except for this outward evidence Burdett seemed to have entirely recovered from the effects of his late encounter.**

The great procession was concluded by the usual dinner at the Crown and Anchor. It was attended by about two thousand people (at twelve shillings each!) and that number Cobbett says, would have been increased if there had been room in any part of the house. In response to his health, though obviously still weak and rather fatigued, Burdett spoke:

Gentlemen, it is quite impossible, excepting in the warmth of affection, that I should return to you my thanks for the compliment you have paid to me who am so unworthy of your favour. Your confidence in my public principles and in the sincerity of my professions has called me from the

*Cobbett in his Political Register, vol. XII, p. 1 *et seq.*, gives a complete description and the exact order of the procession.

**Albemarle, Fifty Years of My Life, vol. I, p. 250.

retirement which I had chosen. Gentlemen, both parties laugh at the people; they despise the people; and those, who have robbed us most, have justly the most contempt for us. It is the common cant of both parties to deny that there is any such thing as THE PEOPLE, and I have been frequently asked insultingly where such a thing as the PEOPLE is to be found in England. You, Gentlemen, have furnished me with an answer to that question in Westminster, the Metropolis of England.*

The Burdett victory in 1807, at the very moment when the country at large was returning a substantial majority of Tories to the Commons, seems to have been due to the fact that the baronet had voiced a growing feeling that without constitutional changes no substantial reform of any kind was possible. Perhaps equally important was the fact expressed in his speech that he had disclaimed all attachment to both parties.**

"The occasion," Hunt wrote, years later, "was the real triumph of Westminster and Sir Francis Burdett was that day in sober earnestness, and in the honest sincerity of their hearts, the pride of the people."***

The new parliament met 22 June and was in session until 14 August, 1807. Burdett was not present or at least did not speak during the session. There is only one debate which holds any interest for this discussion. That was produced by Whitbread's motion for an inquiry into the state of the nation, 6 July. The votes of the opposition which were mustered in support of the motion numbered only 136 as against a majority of 322.****

*THE TIMES, 30 June, 1807, records the first part of the speech, but concluded by remarking that he (Burdett) had little confidence in the future, and was overcome and had to be assisted to his chair midway of his speech. Patterson, *op. cit.*, vol. I, pp. 217-218, commences and ends with the paragraph on the parties.

**Modern writers, e. g., Halevy, FORMATION DU RADICALISME PHILOSOPHIQUE, vol. II, p. 195, and Harris, HISTORY OF THE RADICAL PARTY IN PARLIAMENT, accept and emphasize this explanation of Burdett's success.

***Hunt, Henry, *op. cit.*, vol. II, p. 268.

****PARLIAMENTARY DEBATES, vol. IX, pp. 734-743.

In the middle of his speech introducing the motion, Whitbread was interrupted by a request for the exclusion of strangers and the gallery was cleared. The next day there was a discussion of the question of exclusion. Sheridan pointed out the anomaly in that the standing order was not to exclude strangers upon occasion, but that they were never to be admitted. Nothing however came of the discussion,* occasional exclusion remained, and consequently became the first event of the sequence which lead to Burdett's imprisonment in 1810.

Burdett made his debut as a member for Westminster on 9 February, 1808. Government was being pressed by the Opposition for an investigation of the Copenhagen expedition and the high-handed treatment of the Danish fleet in the previous autumn. Burdett was interested in a different though related subject. He commenced with a question to Perceval, the Chancellor of the Exchequer. He (Burdett) wished to know whether or not his Majesty had granted large sums out of the proceeds of property belonging to nations not at war with England. Rumour had it so, and if this were true, then Burdett asked upon what ground His Majesty could seize such property.**

Perceval admitted the truth of the rumour but stated that His Majesty had an incontrovertible right, since war had been declared with the country in question, and a "competent tribunal" had condemned the property already seized. It was true His Majesty had granted a sum out of the proceeds to each of the junior male branches of the royal family. At this Sir Francis intimated his intention to bring the subject before Parliament upon a future day. The "future day" proved to be the next day. Burdett rose to move an account of all captures at sea since the commencement of the war in 1793 "with an account of the produce of the same and the manner in which it has been disposed."

*Parliamentary Debates, vol. IX, pp. 744-5.
**_Ibid._, vol. X, p. 409 *et seq.*

But at the request of Perceval, he changed it to notice of a motion for the morrow.

11 February, Burdett made his motion without any prefatory remarks.* The Chancellor of the Exchequer replied that he thought such an account would take too long to prepare and suggested a gross rather than an itemized account. Burdett was agreeable to this. Sir C. Pole, member for Plymouth, approved of an investigation which should lead to placing the Admiralty court upon a new footing. Sir John Nicholls, Advocate General, saw no reason for Burdett's motion since no instance of misapplication had been stated. But Mr. Lushington, member for Rye, could and did cite an instance, that of Sir Home Popham, who had smuggled goods into Ireland. His ship had been seized and condemned. Yet afterwards Popham had received claims to the amount of £25,000. Sir Home Popham, a member of the House, made a very weak rejoinder, excusing himself on the ground of others having done the same. This matter led the debate on a tangent for a time. Burdett brought the debate back by insisting in view of the evidence that his original motion be pursued. But a division on Perceval's amendment for a gross rather than an itemized account was passed by a vote of 82 to 57.** That was the last of the agitation.

Before the month was out there was presented another opportunity for the baronet to criticize the extravagance and lavish use of public money (for to that the Droits of Admiralty question seems to have been directed). The House of Commons received a message from the King, 24 February, requesting the grant of an annuity of £2,000 to the heirs of the late Lord Lake in order that they should be able to support the dignity of the titles and

*Parliamentary Debates, vol. X, p. 449.
**Ibid.*, vol. X, p. 460.

other honors which His Majesty had conferred on their kinsman.* In the course of the debate on the request, Sir Francis entered his protest against such a grant.** He had two objections; one was personal, the other was upon constitutional grounds. In the first place, he thought that when an appeal for an annuity was made it should be on the ground of services of "that brilliant kind that the fame of them should ring through the world." In the present circumstances, when the people of England were burdened and exhausted with taxation he did not think any extraordinary grants should be made for services that were not in themselves of extraordinary merit. In the second place, he thought that His Majesty had ample resources and means to reward every merit of this nature, and there was no necessity of applying to parliament to lay a new burden on the people. Sinecures at the disposal of the Crown were supposed to be used for this purpose.

But the Chancellor of the Exchequer pointed out that pensions permitted by the Civil List amounted to only £8,000 per annum clear, and this evidently would be inadequate. Burdett, however, had not been thinking of the pension list; "he alluded directly to the great offices, sinecures and reversions, which ministers always pretended were necessary in order to allow the Crown adequate means of rewarding eminent services."*** The baronet continued at some length, hitting out in passing at George Tierney who earlier in the debate had appeared very anxious that no one should think by his vote when it should be cast on this question, that he was departing from his political opinions. Burdett said of this that "the Right hon. gentleman might make himself quite easy upon that head. He might be sure that he would not be suspected of acting from any other sort of principles than those which had hitherto guided his conduct." And these, Bur-

*Parliamentary Debates, vol. X, p. 711.
**Ibid.*, p. 793.
***Ibid.*, p. 798.

dett evidently implied, were those of political climbing and self aggrandisement. In this Burdett was in agreement with the Whig leaders who had always regarded Tierney with distrust. It was Burdett who insisted on dividing the House on the Lord Lake question. To no purpose, however, for there were only twenty-six votes against the granting of the annuity.*

Burdett took the initiative in moving an amendment to the mutiny bill when its third reading was proposed.** The clause he proposed would have prevented officers from being dismissed from the army by any other means than sentence of court martial. He pointed out that "the army itself was constitutionally looked upon as a great infringement made by the Crown upon the prerogative of the people. He did not say that it was an unnecessary infringement," but the limiting of the arbitrary power in some respects was necessary. "No man ought to be condemned or punished without a hearing. As it was, men had no chance to clear themselves from charges that were merely the result of those malicious whispers whereby the ears of persons high in authority are ever liable to be abused." The result was bad for everyone concerned, "virtue and good conduct . . . lost their stimulus, and bad conduct was sheltered from a great part of that shame, which was the most effectual check upon its vicious progress." This occurred, too, at a time when the army was so augmented that even in point of numbers it was a large portion of the people.

The baronet was complimented upon his moderation as if moderation in him were an unusual thing. The Secretary at War answered him, and there were other speakers, all against his amendment. Lord Folkestone, his only supporter, hoped he would withdraw the amendment but bring the subject forward in a separate bill. Burdett withdrew the motion, but said nothing of a separate bill. 3 June, a Mr. Lyttleton brought in a bill

*Parliamentary Debates, vol. X, p. 980.
**Ibid., p. 1080 *et seq.*

to prevent a decision of a court martial from being changed by the Crown. This received Burdett's support. But this bill was also withdrawn.*

The argument that in this time of danger and uncommon difficulty the King's prerogative should be strengthened rather than curtailed was advanced in connection with the budget bill, and again brought Burdett's opposition. The problem before the House on this occasion, 11 April, 1808, was whether or not the budget bill should prohibit to the Crown the granting of offices in reversion when as Tierney put it "an idiot might rise from his cradle to inherit (a useful place) or the places might revert . . . from the son to the father and the reversion be delayed so long that the father would be incapacited by age from fulfilling the duties of the office." Burdett replied to a Mr. Stephens who had spoken of the country's danger and who had pointed out that these were not times in which to harass ministers with frivolous and nugatory debates.**

But, said Burdett in reply,

> . . . Was it possible that we should cast our eyes over the map of Europe, or the pages of its history for the past fifteen years and still be advocating despotism and putting our trust in standing armies? . . . Was it any want of prerogative that made Austria, Prussia, Russia and all the despots of Europe fall at the feet of France?

He thought that the prohibition of reversions might be the beginning of reform. The ministers were so cool to the whole budget bill that he wondered if they wanted some real measure of reform, if they wished

> that some individual county member should get up and propose that the ancient undoubted right of the people to annual parliaments chosen by themselves should be restored—or that no person bribed, or who should be bribed by a place or pension, should have a seat in the commons house—

*Parliamentary Debates, vol. XI, p. 814.
**Ibid., p. 25.

that the good old laws of the land, Magna Charta, the Bill of Rights and the Act of Settlement, should be restored by repealing all those unconstitutional acts which had so nearly annihilated them. . . .*

This is a close as Burdett came to playing the "independent member" of whom he spoke, although Major Cartwright was urging him this spring to bring the matter forward. Disappointed, Cartwright wrote to Burdett afterwards: "You had made me angry, and I suppose I had made you so in return. This can do no public good: We must each work in his own way."**

In May, 1808, Burdett seems for the first time to have given his attention to what was later to be one of his favorite reforms; the abolition of corporal punishment in the army. The occasion was the debate on Castlereagh's motion for the second reading of a bill for drafting men for the local militia for purposes of home defense. The baronet agreed with the idea.

He . . . could never consider it a hardship on a man to be called upon to defend his home . . . But he would never consent to have the British people lashed. Experience had shown that the noble lord was the fittest man in the world to submit a whole people to the lash. . . . The French government had now under its control nearly one hundred millions of people. It had command of all parts of the continent, and might soon have fleets in various quarters equal in strength to our own. In these circumstances this country could not rest its safety on anything but an armed population. . . . He was not dissatisfied with this. . . . He would not, however, give up the people to be flogged. . . .

He promised opposition unless the obnoxious penalties were omitted by amendment in committee.*** This was not done, and therefore the baronet expressed his disapproval on the third reading of the bill.****

Before the end of June, Burdett moved that there be laid before the House early in the next session regimental returns

*Parliamentary Debates, vol. XI, p. 28.
**Cartwright, *op. cit.*, vol. I, p. 255.
***Parliamentary Debates, vol. XI, p. 105.
****Ibid., p. 853, 10 June.

of all corporal punishments sentenced and inflicted during the previous ten years.* Castlereagh, among others could not conceive how Burdett could bring forward such a motion at this time. He said "he hardly knew how to argue against the hon. baronet as their views on almost every subject were so totally different that there was scarcely a point of coincidence." Upon this occasion there was only one speaker to support Burdett, though on the division he was able to find two more to vote for him.

The Westminster election had been decisive. There were now no petitions to take the time of the House as there had been in the case of the Middlesex elections, but in the spring of 1808 action was brought against Burdett, as one of the candidates, to recover a portion of the expenses of the election, especially the cost of erecting hustings. He asked the House, after having explained the circumstances of the election, whether he was to comply with the demand of the court, or whether by his submitting the privilege of the House would be infringed.**

The House did not give him much satisfaction; though the Speaker said he should wait until some practical consequence resulted and then if he conceived it to be a breach of the privilege of the House he could not too soon bring it to the attention of the House. There were on two days some arguments resulting from Burdett's references to Ellenborough, and Ellenborough's supposed criticism of him. But the matter was satisfactorily adjusted, apparently.***

Throughout the spring of 1808, Burdett was fairly constant in his attendance at the House, though, as we have seen, he disappointed the zealous advocates of a reform measure. We hear of the baronet only once outside. 23 May, the first of a

*Parliamentary Debates, vol. XI, p. 1115, *et seq.*
**Ibid.*, p. 153.
***Ibid.*, pp. 403, 545. Cf. also, Colchester, *op. cit.*, vol. II, p. 150.

long series of dinners was held to celebrate the anniversary of his election for Westminster. It was given at the Crown and Anchor tavern.* Seven hundred persons attended. Sir Francis Burdett in the speech he made on this occasion dwelt upon the necessity of restoring the House of Commons to what it formerly was, that is, "an assemblage of gentlemen, freely elected by the people, the real objects of their choice and the faithful guardians of their property and their liberties." Cobbett was by this time convinced that Burdett's opinion was right, that "all evils we endure can be traced to this cause. Even if a minister wished to do what is right (for the country) . . . before he can stir an inch he has the feelings and interests of the boroughmongers to consider."**

The session ended 4 July, 1808. It had not been a particularly encouraging one from any point of view. One question after another in the management of the war had been under criticism. One expedition after another in naval and military affairs had failed. Grattan had raised the perennial Roman Catholic disabilities question and a large number of petitions on the subject had been received from Ireland, but to no avail. Sir Samuel Romilly had unsuccessfully attempted to mitigate the severity of the penal code in one small respect. In none of these matters had Burdett taken any part. During the discussion of some of them, one would judge he was not present, for his name is missing from its accustomed place in the list of the minority. Yet he spoke sufficiently often and in such terms as to let parliament and his constituents know that he was still an independent member in opposition.

Parliament did not meet again until 19 January, 1809. Foreign affairs again absorbed the attention of the House of Commons

*There is a good description of this place, henceforth the headquarters of Westminster radicals in Timbs, Clubs and Club Life in London, pp. 419-20.

**Political Register, vol. XIII, p. 863. Cf. also Examiner, 1808, p. 349, *et seq.*

during the first weeks. In the previous autumn both Napoleon and Alexander had presented overtures for peace which had resulted in long conferences at Erfurt. The Erfurt proposals accordingly were the first major subject of debate. Late in the debate of 31 January, Burdett rose to speak on this subject. Foreign affairs were not to him an accustomed interest. He now said he disapproved of aiding Spain on account of the rottenness of the Spanish government and Ferdinand VII. He played the usual tune of the burdens of the British population, increased by the cost in money and men of the Spanish campaign, and concluded by believing that "the country had sunk low and would sink still lower if a reform did not speedily take place."

Canning spoke with some truth perhaps when in reply he said: ". . . if the evils which the hon. baronet deplored were so grievous why did he not bring them forward in some tangible and distinct form . . . and not continue to repeat his doctrine that the whole frame of government was not worth preserving."* In the last phrase Canning called forth cries of "Misrepresentation!"

There was, indeed, a reaction in sympathy with Burdett. Lord Henry Petty though he was going to vote against the baronet, said his speech had been delivered "with an eloquence such as could not soon be forgotten and that there was no man in whose sentiments he would be more happy to feel it consistent with his opinion to concur than those of the baronet." In Lord Henry Petty's commendation Burdett won recognition from a man high in the councils of the Whig party.**

Canning's address commending Government for the Erfurt negotiations was carried with no difficulty.

*We have already seen that this was a favorite charge of the opponents of Burdett.

**The whole debate appears in the DEBATES, vol. XII, pp. 210-241.

A matter of much greater consequence in arousing public interest during this session was the inquiry into the conduct of the Duke of York in his capacity as Commander in Chief. In this, Burdett took a leading part. On the second day of the session a Mr. Wardle gave notice of a motion for this investigation. Burdett seconded the motion when it was made on 27 January.* Government professed to welcome the appointment of a committee to investigate, for there had been rumours, pamphlets and persistent reports of misconduct which needed to be sifted in order to be proved unfounded. Indeed, Burdett seconded the motion, so he said, not because he thought the Duke guilty of misconduct — but because he wished to clear the Duke of all suspicion. Both sides of the House vied with professions of this sort. Government was not content to have a special committee investigate, but proposed a committee of the whole House. Only Yorke and Wilberforce indulged in long-faced warnings of the grave responsibility which ministers thereby undertook. They warned Wardle also of the seriousness of bringing a charge against "such an elevated character," — thus Wilberforce.

The long proceedings and examination need not concern us here. Star-witness in support of the charges was one Mary Ann Clarke, a former mistress of the Duke. She was supposed to have used her influence in that position to influence the Duke to secure promotions and exchanges in the service and for these services she received what she called "compliments" from those who benefited. There is clear evidence in the record of the proceedings that Government, while joyfully undertaking the investigation, would do everything possible to confound both the witnesses and Mr. Wardle.

The undoubted quibbling of the Government about insignificant details, on 3 February brought Burdett to his feet in protest:

*Colchester, *op. cit.*, vol. II, p. 165.

. . . if this was the way the persons who came forward with accusations were to be assisted by the wisdom of the House, there would be little encouragement to any member to put himself forward for the detection of any great public abuses. . . . For his part he should continue to discharge his parliamentary duty according to the best of his judgment, without fearing the comments which others might make upon his conduct.*

Burdett did not squeak again during February. He was ill and unable to attend much of the time.** The investigation continued almost uninterrupted throughout February. It was completed on the 28th. Before the House could then take the results under investigation, the Speaker read the members a letter from the Duke of York which contained a complete denial of all the transactions produced by witnesses.***

The debate upon the evidence began with a long speech by Col. Wardle in which he moved the removal of the Duke from his command of the army. Debate continued from day to day, with formal long speeches, usually reported in the first person. Burdett's contribution came on 13 March.**** Back after his illness, he was speaking, he said, because the "performance of his duty to his constituents and his country" demanded it. He had already been criticised for his long absence. The speech was a long and able one. He pointed out the flaws in those of the members of the ministry. They acted, he thought, as advocates rather than judges, and all of them were convinced that the Duke of York was innocent before the hearings began. He appealed for justice. "The people of England expected justice at the hands of their representatives." To all the testimony which to his mind proved the charges against the Duke, there was opposed merely the 'honour of a prince'. Burdett was not rhetorical or flowery. He quoted poetry once, but not much of it, and very

*Parliamentary Debates, vol. XII, p. 362.
**Ibid., vol. XIII, p. 4.
***Ibid., vol. XII, p. 1033.
****Ibid., vol. XIII, pp. 364-393. Patterson, *op. cit.*, dates the speech as 10 March.

aptly. He concluded with the simple statement that he believed that the charges were completely substantiated against the Duke of York.

There were two divisions two days later. Government was upheld by large majorities. Burdett, we are told, "was so unwell as to be compelled to leave the House previous to the divisions."* This vote was in effect to clear the Duke not only of all charges of corruption, but also of the charge of any connivance at that corruption. Two divisions on 17 March went still further to sweep away all suspicion if a vote is capable of doing that. But on the 18th the Duke resigned.** This was announced to the House on the 20th, whereupon it was resolved that "it was not now necessary to enter into any further consideration of the eviidence." A motion for censure of the Duke had previously been negatived without a division.*** The divisions of the 15th, 17th, and 20th of March had all shown substantial majorities in the Duke's favor.****

Before the final vote was taken and the House decided against further action, the country "out-of-doors" had become deeply aroused by what was passing in the House. There was constant mention by speakers in the debate in the House of the aroused state of public opinion. Meeting after meeting was held throughout the country approving of Colonel Wardle's motion and condemning the ministry.***** The issues of the POLITICAL REGISTER carry the record of resolutions, addresses of thanks, and other proceedings from fifty towns and counties in England and Scotland between 14 March and 30 May, 1809.****** In some cases

*PARLIAMENTARY DEBATES, vol. XIII, p. 639.

**Colchester, *op. cit.*, vol. II, p. 175.

***PARLIAMENTARY DEBATES, vol. XIII, pp. 712-745.

****The statement in Broderick and Frotheringham, POLITICAL HISTORY OF ENGLAND, 1801-1837, that "the majority was small . . ." is not borne out by the facts. The whole discussion, pp. 60-61, is misleading.

*****Jephson, *op. cit.*, vol. I, p. 327.

******POLITICAL REGISTER, vol. XV, *passim.*

the resolutions also asked for a reform of Parliament. Major Cartwright was at the time planning for a great dinner in favor of reform. He was writing to procure the support of influential persons before the committee began its hearings on the Duke of York.* That affair played into his hands and gave him encouragement. Not all men were so encouraged or excited. Sir Samuel Romilly was one of these. He was one of the few really prominent Whigs who took part in the debate against the Duke. His name accordingly was linked with those of Sir Francis Burdett, Lord Folkestone and Samuel Whitbread in resolutions adopted by a great many meetings. An invitation from Cartwright to Romilly to be present at the great dinner brought a polite refusal.** It must be noted, too, that though convinced of the guilt of the Duke, Burdett was not sure of Wardle's disinterestedness, and refused to aid him in a suit which he commenced against Mrs. Clarke in November, 1809.***

Before the dinner on 1 May, a popular meeting was held, 29 March, at Westminster Hall.**** Here for the first time since his election, Sir Francis Burdett addressed the electors of Westminster. He does not say much of the combat with corruption just concluded, or of the part of the public in that combat, "for fear of being supposed to be praising myself in praising you." He deprecates his own part in the proceedings, but has high praise for Colonel Wardle,—"here was not another man in the six hundred and fifty-eight members of the House of Commons who would have undertaken what he has undertaken or gone through it as well as he has done." Burdett pointed out, too, that abuses such as that of the Duke of York arose from the imperfect state of the representation. Parliamentary reform was the only subject worth engaging the attention of the English nation. The speaker flattered himself that his interest in this sub-

*Cartwright, *op. cit.*, vol. I, p. 386.

**Romilly, Sir Samuel, Memoir, vol. II, p. 272.

***Patterson, *op. cit.*, vol. I, pp. 227-228.

****The Times, 30 March, 1809. *Cf.* also, Bell's Weekly Messenger, 2 April.

ject first recommended him to the attention of the electors of Westminster. "I do believe," he said, "that the House of Commons is the only spot in all the world where the people of England are spoken of with contempt." It was now time for the people to call for such a reform as would give them a House of Commons really looking to the interests of the people, and not to the emoluments which were to be derived from the favor of the Crown.

In this speech, the baronet mentioned many subjects which he later attacked on the floor of the House: imprisonments *ex officio* for libel, solitary confinement, and of course, government corruption. Colonel Wardle was charged with being connected with a conspiracy.

They tell you he is almost as bad as us Jacobins (loud laughter . . . Some persons talk a great deal of the danger of popular influence. Can they point to any country that has ever been destroyed by the prevalence of popular influence? Indeed I will readily admit that the House of Commons sitting in its judicial capacity should not be governed by popular influence. . . . I should be as much ashamed to have my vote as judge biassed by any consideration of whether I was to gain or lose popularity as I would be to accept a bribe or any other consideration.

In conclusion, Burdett again stressed parliamentary reform.

I hope that the nation has ceased to look for any advantage from any change of administration. We must look no more to parties and be assured that we never can expect any measures really useful until the people of England have their proper share in the constitution of their country.*

The meeting and dinner of the "Friends of Parliamentary Reform" which had been so long planned by Cartwright and for which Burdett's speech at the end of March may be said to have prepared, was attended by eleven or twelve hundred people. In addition there were thousands in the streets near the "Crown and Anchor", "without any expectation of seeing a gaudy show

*Political Register, vol. XV, p. 535 *et seq.*, carries the complete speech.

or anything merely calculated to please the eye."* At five o'clock the doors of the room where the dinner was to be held were thrown open and the room was filled in a very few minutes. Several other rooms were also opened for the reception of the company who could not get admission to the "great room".** The crowd outside was so dense that at least one man had his shoulder dislocated in getting to the Tavern. He must have been a real enthusiast, for he went to a surgeon to have it set, and then returned to the dinner.***

There were fourteen resolutions adopted. These summed up the corruption, misrepresentation and general shortcomings of the government and concluded by resolving, "To recommend to every town, city, and county, to take the state of the representation into consideration and urgently, but temperately, apply to parliament to adopt such measures as shall secure to the nation the reality and use of representation."****

Sir Francis Burdett stood upon a table to speak to the crowd. ***** Cobbett wrote that this speech "was the very best I have ever read." But he, apparently, was not present at the dinner, or sat so far back that he could not hear. The EXAMINER said it was "a speech full of sound and sacred truths appealing to nothing but fact and long experience, and drawing its texts from nothing but the Magna Charta and the Bill of Rights, writings from which the Placemen would as soon preach, as a Turk from the New Testament."******

Cobbett did not entirely agree with the resolutions adopted at the dinner. He would petition the king rather than parliament, "because it is not natural to call upon an assembly to purge

*POLITICAL REGISTER, vol. XV, p. 685, 6 May, 1809.
**THE TIMES, 2 May, 1809.
***Cartwright, *op. cit.*, vol. I, p. 392, *note*.
****POLITICAL REGISTER, vol. XV, p. 687.
*****BELL'S WEEKLY MESSENGER, 7 May, 1808.
******EXAMINER, 1809, pp. 299-304.

itself." How difficult and how unnatural it was the ensuing years of struggle amply demonstrated.

Major Cartwright, however, seems to have been well satitfied with the meeting that he had engineered. His niece wrote in the biography of her uncle that 1 May "was one of those few days of unclouded sunshine which was permitted to illumine the political hemisphere of this champion of reformation."* Francis Place, among others, congratulated the Major on the success of the meeting.**

Meanwhile the affair of the Duke of York had an aftermath of several other investigations in parliament. 25 April, Lord Archibald Hamilton charged Castlereagh with having placed at the disposal of one Lord Clancary, the nomination to an office in India for the purpose of thereby procuring a seat in parliament. The negotiations, it was pointed out, had not materialized in 1805, but Lord Hamilton moved a resolution that Castlereagh had been "guilty of a violation of his duty, [He was, at the time, Secretary of State] . . . and also of an attack upon the purity and constitution of the House."*** Castlereagh frankly admitted the facts but failed to see that any guilt attached to the proceeding. His action had been suggested merely by private friendship. Before the debate was over, Burdett spoke at some length, and naturally in strong condemnation of Castlereagh's intentions and in praise of Lord Hamilton's resolutions.**** At the end of the evening not only were the resolutions negatived, but a resolution proposed by Canning was also adopted to the effect that the House did not think it necessary to proceed further.*****

A short time later, 11 May, a Mr. Madocks brought similar charges against both Perceval and Castlereagh. However this

*Cartwright, *op. cit.*, vol. I, p. 392.
**Ibid.*, Wallas, *op. cit.*, barely mentions the dinner.
***Parliamentary Debates, vol. XIV, p. 224.
****Ibid.*, p. 244.
*****Ibid.*, pp. 254-7.

did not even get so far as a hearing. His motion for an investigation was defeated by a majority of 225. Burdett and Whitbread were zealous in support of it. Burdett thought the matter "one of the most important that could engage the attention of the House." No one, he thought, could deny the charges. He concluded by saying "with the permission of the House, a few words upon the subject of that dreadful monster, Parliamentary Reform. He was not now ready to introduce a measure of reform, but when the time came he should be ready to support it."* Mr. Speaker Abbot says that during his speech on this day, Burdett said " 'Buonaparte has a strong ally in this House.' Whereupon a shout was raised from all parts of the House; and after it had finished once it began again before he could proceed, so loud that boats passing upon the river (it was about seven o'clock in the evening) lay upon their oars in surprise at the sudden and violent burst of noise."**

A week before this, a Mr. Curwen had proposed a measure of reform. But Burdett thought that the proposal would only transfer the corrupt borough from private hands into the hands of the Treasury. On this occasion, Abbot says, Burdett was hot and angry.*** At the time Curwen had asked and received permission to bring in his bill, he had described his proposal as a measure to prevent the procuring or obtaining seats in parliament by corrupt practices. He did not wish it to be considered a bill for the much discussed general reform of Parliament. In this he had antagonized equally men of the extreme right and left positions. Windham, for example, said it *was* a reform bill, and that for many years it had been his opinion "that the House ought strenuously to oppose as dangerous and mad any proposal for parliamentary reform." On the other side we have already mentioned Burdett's opposition because Curwen's bill did not provide for a real reform.

*Parliamentary Debates, vol. XIV, p. 506. Burdett referred to these charges again and again in the years following.

**Colchester, *op. cit.*, vol. II, p. 186. There is no interruption in the speech as it is recorded in the Debates.

****Ibid.*, p. 186.

After a short debate 19 May, the subject was postponed for a week. Meanwhile ministers were writing and conversing among themselves and with the Speaker as to whether or not the bill was justifiable and what should be Government's attitude.* Curwen's bill was debated on the night of the 26th until three o'clock in the morning. Burdett spoke long and bitterly. He said

> he stood in a situation unprecedented in the history of the country, for he had not to address the representatives of the Commons in Parliament assembled; that title they had disclaimed by the avowal and defense of corruption, [in their action on Madock's proposals]; but he was about to speak to an assembly of some representing the Treasury; some, the Admiralty; some, by their own money; and a few, by representing populous places. . . .

He repeated this statement and was then called to order by the Speaker. But Burdett then said that "until the 12th of May, the claim of the House of Commons was founded on its former purity. . . The Speaker, no doubt, spoke from remembrance of a former period. But then he must allow that he (Sir Francis Burdett) spoke in a situation and under circumstances entirely new. . . ." He concluded a long speech in the same vein by saying that he would not support Curwen's bill.**

Tierney and Windham among others attacked Burdett in this debate, for his speech concerning the Duke of York at the Crown and Anchor, which, of course, had nothing to do with the question. There is evidence in speeches on both sides of the House, however, of a feeling that something must be done to satisfy the public. Under the stress of "platform agitation", government took up Curwen's bill.*** Accordingly it passed, 12 June, but it had been completely bereft, through amendments, of what little provision for reform it had originally possessed. On the day of its passage, Burdett gave notice that he would

*Colchester, *op. cit.*, vol. II, pp. 193-197.
**Parliamentary Debates, vol. XIV, pp. 727-733.
***Jephson, *op. cit.*, vol. I, p. 335.

move a resolution that might achieve what this bill failed to secure.*

Sir Francis Burdett capped his activities of this session six days before its close by offering for the consideration of the House his plan of reform. The DEBATES reports the speech in the first person.

> I rise to offer . . . a plan of reform, not for its immediate adoption, but for its future consideration — to state my opinion to the House and the public, and to come to a resolution (according to a frequent custom at the close of the session), the object of which is to hold out an assurance to the country that the House will early in the next session take into its consideration the necessity of a reform. . . .

At last Burdett was moving in the way to which Cartwright had urged him in the spring of 1808. His opening remark prevented any illusion that he was going to be precipitate; but his speech gained from its moderation what it lacked in force. As Cartwright wrote a friend: "It (the speech) must, I think, silence all who suspected him (Burdett) of designs against the Constitution. . . ."**

Burdett himself said he was offering the plan ". . . to get rid of misrepresentation of my views on the subject, (and) . . . in order that it may be fully and clearly understood how far I do really mean to go and at what point I mean to stop." In the course of the speech, he pointed out some extraordinary doctrines that he had heard recently stated. First, that corruption is a part of the constitution and that without it government could not be carried on; second, that all men act from mixed motives; third, that while the *forms* of the constitution remain, there is something so excellent in the mere forms that not only was the possession of them of the highest value, but a hope was thereby raised of an amelioration of the state of the country.*** "But,"

*PARLIAMENTARY DEBATES, vol. XIV, p. 1000.
**Cartwright, *op. cit.*, vol. I, p. 390.
***PARLIAMENTARY DEBATES, vol. XIV, p. 1043 *et seq.*

said Burdett "of all tyrannies, a legislative tyranny exercised under the forms of a free government is the most tremendous and fatal; because without hope of remedy."* He later proceeded to state in summary his plan of reform:

> That Freeholders, Householders and others subject to direct taxation in support of the poor, the Church and the State, be required to elect members to serve in parliament.
>
> That each county be subdivided according to its taxed population and each subdivision be required to elect one representative.
>
> That the votes be taken in each parish by a parish officer; and all be finished in one and the same day.
>
> That the parish officers make the returns to the Sheriff's court and for that purpose at stated periods.
> and, That parliaments be brought back to a constitutional duration.**

Of the results of this simple plan, Burdett had no doubts at all. The disgraceful practices attending elections, he thinks, would be put a stop to. Is the baronet here thinking of the Middlesex election? No leading attorneys would be galloping about the country, lying, cheating, and stirring up the worst passion among the worst people. There would be no ill blood engendered between friends and relations. Does he refer to his father-in-law's troubles with the rich patrons of the House of Coutts? There would be no demogoguery. Of this Burdett said: "If I am a demagogue, I am as complete a *felo de se* as can well be imagined. This puts an end to the occupation." There would be no Grenville Act for the settlement of contested elections. Of this the baronet said: "Here I speak feelingly. I have undergone this remedy [The Grenville Act]. — It is the remedy

*Parliamentary Debates, vol. XIV, p. 1045.

**Ibid.*, vol. XIV, p. 1053. Cobbett writes: "The propositions were written down a day or two before and Cartwright was with him." Political Register, vol. XVI, p. 978. But Cartwright does ont mention it.

of a toad under the harrow. Under the operation of that act I have suffered a greater pecuniary penalty than any which the law could have inflicted for any crime I could have committed. This remedy is a luxury."

The speech was well thought out, clear, methodical in its development, and the motion at its conclusion was the logical result. Yet Perceval who replied said that "in many of the propositions made by the hon. baronet, he was unable to follow him."* One is forced to question Perceval's sincerity in that statement. The Chancellor of the Exchequer was certain that the people were in general "more united against reform than upon almost any other subject, because they thought reform unnecessary." The eighty or ninety meetings congratulating Colonel Wardle in the previous March meant nothing at all. Perceval's speech should not surprise the reader, familiar with the blindness of politicians; and yet it is surprising in its cool cynicism even for that period.

There were a few speakers after Burdett's motion had been made. None of the leaders took part. In the division there were 15 votes for the motion with 74 to defeat it. In the list of the minority, 17 names appear, through the addition of Lord Cochrane who was accidentally out of the House at the time, and of a Mr. Lyttleton, who paired.

In the world outside, Burdett was here praised, there criticised, for his motion and the speech introducing it. The EXAMINER characterized it as a "luminous speech . . . in which he (Burdett) explained the species of reform he desired was enough to satisfy every sober thinking Englishman of the constitutional purity of his intentions. None but selfish courtiers will now venture to call him Jacobin.** But the Edinburgh Review entered upon a detailed discussion of Parliamentary reform. The writer reached

*PARLIAMENTARY DEBATES, vol. XIV, p. 1070.
**EXAMINER, 1809, p. 397.

the conclusion that Burdett's remedy was useless. He admitted three great evils in England's condition: first, the burden of taxes; second, the preponderating influence of the Crown; and third, the monopoly of political power in the hands of the ministry. But these were the traditional Whig arguments and complaints. The writer had "no great sympathy with the notions of reform uppermost in the minds of Sir Francis Burdett and Mr. Cobbett—such a change as they seem to think essential we should consider as by far the greatest calamity that could be inflicted."*

As for Cobbett he became greatly interested, as did his readers in the ideas set forth in the EDINBURGH REVIEW. He reprinted articles, letters and comments, all anti-Whig, to refute them.** Meanwhile, for the moment, Burdett might be expected to be satisfied. He had handsomely fulfilled the pledge given to his constituents in June, 1807. His followers could scarcely blame him for the obstinacy of the House of Commons. But in the next year the patience of the House was to be tested and they were to pay for their obstinacy.

*EDINBURGH REVIEW, vol. XIV, p. 277, July, 1809.
**POLITICAL REGISTER, vol. XVI, pp. 444, 449, 596, 677.

IV.

BURDETT A NATIONAL FIGURE: THE AFFAIR OF 1810

Burdett's name during the summer of 1809 was indissolubly attached to parliamentary reform. During the first half of the year 1810 his name and the idea of reform spread into all the provinces, and, linked together, were almost the sole topic of conversation from the Metropolis all the way north to Carlisle. Cartwright at public meetings and Cobbett in the REGISTER kept alive the ideas proposed by Burdett in June, 1809, and adopted by the meeting at the Crown and Anchor in May of that year.*

In September, 1809, there was a reshuffling of the ministry subsequent to the retirement of the Duke of Portland. The negotiations relative to the change caused a duel between Castlereagh and Canning.** The new ministry was, for this reason and others, so difficult to compose that Spencer Perceval, a commoner, with little genius to compensate for the absence of the influence accompanying title and property, became Prime Minister. He was the only remaining member of the Portland ministry in the Commons. His attempts to complete the ministry were met with so much uncertainty that permission was actually secured to open negotiations with Grey and Grenville. These efforts, however, were unavailing. The new Prime Minister had to be content with a cabinet made up of what was left of Portland's ministry when Canning had gone and had taken with him a group of sympathizers. With the appointment of Viscount Wellesley to the foreign office, and his return from Spain, the administra-

*POLITICAL REGISTER, vol. XVI, p. 203. Cartwright, *op. cit.*, vol. I, pp. 392-3.

**Colchester's DIARY carries the confused account inevitable in a day by day record with letters and papers interspersed. Vol. II, pp. 200-224. But the account of a modern writer is scarcely less complicated. Cf. Fremantle, *op. cit.*, vol. II, pp. 290-297. Cf. also, Walpole, Spencer, LIFE OF THE RT. HON. SPENCER PERCEVAL, vol. II, pp. 38-54.

tion felt strong enough to meet parliament.* When the Speaker returned to town for the opening, he found little public enthusiasm for the new ministry.** This was to be expected; for the ministry was clearly a patchwork of remnants. The duel between Castlereagh and Canning had had a very bad effect on popular feeling.

It was this government with which Burdett came into conflict; it was the repeated blunders of this government which made of Burdett a popular hero second only to Wilkes. Parliament was opened on the 23rd of January by commission. The speech was concerned chiefly with the situation abroad: the "disadvantageous" peace which Austria had been forced to conclude with France; the sacrifices made by Sweden in the same manner. A more cheering aspect was found in Spain where Wellington had won the victory of Talavera. The speech mentioned the Walcheren expedition. This was a fateful attempt to close the Scheldt, bottle up the French fleet at Antwerp, and distract Napoleon from Austrian affairs. Government had to confess the failure of the expedition to achieve the main object, but took satisfaction in the demolition of the docks and arsenals at Flushing. This object, they pretended, was accomplished by the reduction and occupation of the island of Walcheren. That disease had made the island a hungry monster which swallowed up thousands of troops that had seen no service, Government did not point out. But the Opposition knew all about it. Although an amendment to the address which resolved an inquiry into the whole affair was lost, the issue was by no means dead.***

When the address of thanks for the speech was reported 25 January, 1810, Sir Francis Burdett rose. He first spoke of reform, for he had heard the speeches of both sides, he hoped with equal candour, only to be more and more confirmed

*Walpole, *op. cit.*, vol. II, p. 62 *et seq.*
**Colchester, *op. cit.*, vol. II, p. 225.
***Parliamentary Debates, vol. XV, p. 114.

in the "calm conviction of mind with which he had first entered that House, of the necessity, sooner or later, of an entire change of system, of a thorough constitutional and temperate reform of Parliament.* A mere change of ministry, he felt, would do no good at all. One by one every topic of the speech with which parliament had been opened, was examined and condemned. In conclusion the baronet was even more sweeping than usual in his condemnation.

> Our corruption interfered with every branch of the State—it injured our army, our navy, our commerce—and ministers, at any price, must have a majority in Parliament. (Hear!, hear!) He had read of a Roman whose unremitting advice to the senate was 'Carthage must be destroyed!'; so would he return ever to the same point, 'This House must be reformed!'**

Charles Philip Yorke replied. He strongly condemned the baronet's intemperate speech. He called attention to the remarkable words Burdett used of the House of Commons. He never called it by that name, but "this assembly" or "this room" or "this meeting".

The address proposed by the ministry was adopted, and on the following day, the question of the expedition to the Scheldt was entered upon in earnest. A motion for a committee of the whole House to investigate the policy and conduct of the expedition was carried by nine votes in the face of Government opposition. Government was thus defeated.*** The examination of witnesses and the collection of evidence continued until 15 March.

Out of this there developed a debate over the exclusion of strangers during the investigation. On 1 February, Charles Yorke having ascertained from the original mover, Lord Porchester, that he intended to move the next day to go into committee upon the expedition, said he would proceed to enforce the standing orders of the House for the exclusion of strangers. "This he did," he said, "not from any wish to keep their proceed-

*Parliamentary Debates, vol. XV, p. 122.
**Ibid., vol. XV, pp. 161-210.
***Ibid.

ings from publicity in due time, but from a view to guard against the possibility of any misrepresentation or misunderstanding out of doors before the minutes should be published."*

Accordingly when the House the next day resolved itself into a committee, Mr. Yorke moved the order, which was of course enforced and the gallery cleared. But matters did not rest there. Sheridan attacked the principle on this occasion and moved a committee of privilege to consider the order.** There was nothing in his proposal, Sheridan said, which savoured of political or party bias. "His sole object was to impress upon that House the vital necessity of meriting by its conduct, at this critical period more than ever, the confidence of the people."*** He pointed out that secrecy had been refused in a recent inquiry, why should it now be given to an accused ministry? But it was the scandalous disclosures in that recent inquiry, the conduct of the Duke of York, which was producing Yorke's insistence in which he had the support of Government. Sheridan's speech led to considerable debate, during which Windham, although a member of the Opposition, supported Yorke and took the opportunity to attack and condemn the press in general.

Naturally Burdett was heard when a question involving the liberty of the press was under discussion. He declared that "if the House was composed of a body of members fairly and freely selected by the people as the chosen guardians of their rights, if there were no placemen and pensioners among the members, if there was no corruption, he might agree to exclusion." But the case was very different from that. The members of the House of Commons "stood before the country under circumstances of great suspicion, . . . in point of character they were on their last

*Parliamentary Debates, vol. XV, p. 269. Mr. Kent in The English Radicals writes p. 259 that Yorke made his motion "in a fit of whimsical perversity." There is certainly no trace of whimsicality in the speech as it appears in the Debates.

**This is the second time Sheridan opposed such a plan. *Cf. ante*, p. 77.

***Parliamentary Debates, vol. XV, p. 323.

legs. . . . he greatly feared that in reputation, that House had not a leg to stand upon." Informed by the Speaker that such language was highly disorderly, Burdett replied that he said he only *feared* it. Continuing, the baronet pointed out that in the Duke of York inquiry, the press had been accurate in all their reports, for he had been particularly observant and had checked the reports with the proceedings.* Nevertheless Sheridan's motion was lost, and strangers remained excluded from the debates.**

Within a few days London was placarded with the announcement of a public debate on the following question: "Which was the greater outrage on the public feeling, Mr. Yorke's enforcement of the standing order to exclude strangers from the House of Commons or Mr. Windham's recent attack upon the liberties of the press?"*** Yorke's offense in the eyes of the public was aggravated by his having in January accepted a sinecure worth £2,700 a year.**** The debate was to be held on the 19th of February at the "British Forum", 33 Bedford Street, Covent Garden. On that day, the placard was brought to the attention of the House of Commons by Mr. Yorke. "He considered it a gross violation of their (the members') privileges." His name and that of Mr. Windham were mentioned on the placard, but "he was not influenced by personal considerations"!***** The only identification on the placard was the name of the printer, J. Dean. Mr. Yorke moved accordingly that this man should appear the next day; and it was so ordered.

When the printer came, 20 February, he admitted the printing of the notice, but stated that he had been employed by John Gale Jones and that he had been printing such papers for three or four

*Parliamentary Debates, vol. XV, p. 338.
**Ibid., vol. XV, p. 345.
***Ibid., vol. XV, p. 481. May, in his Constitutional History of England, vol. I, refers to it as an "offensive placard".
****Walpole, *op. cit.*, vol. II, pp. 66-69.
*****Parliamentary Debates, vol. XV, pp. 479-480.

years. He humbly begged the pardon of the House for his offence and was ready to prove that the announcement was drawn up by John Gale Jones. After he had withdrawn, Mr. Yorke expressed his satisfaction at Dean's having been sensible of his offence. He should however feel it his duty to have John Gale Jones brought to the bar of the House. Several members both of Opposition and of the ministry spoke in agreement. All, however, recommended leniency. It was finally agreed that the printer should be committed to the custody of the sergeant, and that the author should be ordered to appear the next day.* Yorke had taken counsel with the Speaker before proceeding.**

John Gale Jones, the author of the placard, was not apparently a novice at the business of propogandizing. He had been active in the London Corresponding Society in 1795; he had led popular opposition to the seditious practices act and the seditious meetings act in the autumn of 1795. When both bills passed before Christmas of that year, opposition took a different channel. Deputies were sent out in March, 1796, to address meetings of under fifty persons which would conform to the letter of the new law. John Gale Jones was one of these; he was arrested with a fellow deputy at Birmingham, tried on a charge of using seditious words and convicted.***

Thereafter, Mr. Jones was apparently a law-abiding citizen, for no more is heard of him until he now appeared as president of the "British Forum". According to what John Dean said he had been arranging debates on public questions for some years.

He was evidently in touch with the Westminster Committee; for when he received the summons to attend the bar of the House of Commons he went to Francis Place for advice. He appeared

*Parliamentary Debates, vol. XV, pp. 496-499.

**Colchester, *op. cit.*, vol. II, p. 235.

***There is a good deal of information with regard to Jones' early activity in Jephson, *op. cit.*, vol. I, pp. 187, 188, and p. 193 *et seq.*, pp. 276-8.

to the tailor to be a "poor emaciated, crazy-looking creature, possessed of considerable talents, but as devoid of judgment as any man well could be."* Place advised him to stand his ground as an unflinching martyr to the cause of free speech. This was brave advice but it would be hard to follow in the face of the august assemblage. Instead, the fellow made an abject apology and submission, threw himself upon the mercy of the House, and was committed to Newgate for his pains. Martyrdom was to be the role not of Jones but of Burdett, three weeks later. Jones, however, said in the course of his lamentation: ". . . I have always considered it the privilege of every Englishman to animadvert on the public measures and on the conduct of public men", but he spoiled the effect by concluding ". . . I beg to express my contrition; and to throw myself on the mercy of this honourable house, this House of Commons, which as an important branch of the Constitution has always had my unfeigned respect."**

The Speaker put the question to the House and it was agreed without a dissentient voice or vote that Jones had been guilty of "a gross breach of the privileges of this House." But Yorke was not satisfied; he felt that the House "should mark its sense of its dignity on the present occasion by inflicting some exemplary punishment on the person at the bar." Accordingly he moved committal to Newgate. This also was put and carried, "nem. con." Sir Francis Burdett, as he later stated, was not present. The absence of a certain Sir John Anstruther, the only man who the previous day questioned the motives of Mr. Yorke, as personal pique, was also noted. Indeed, John Gale Jones, his accuser, and the Speaker were the only ones who spoke during the proceedings. Immediately after, the printer, John Dean, who the day before had been found guilty of the same offense was reprimanded and discharged.*** If it was pique which had moved Charles Yorke to take notice of so trivial a matter as Jones' of-

*Wallas, *op. cit.*, p. 49.
**Parliamentary Debates, vol. XV, pp. 500-501.
****Ibid.*, vol. XV, p. 502.

fence, surely he had gratified it. But he had also made the ministry a party to the affair. One writer, at least, thinks "it would have been prudent in ministers to have induced Yorke and Windham to drop the matter, or, if they pursued it to do so as individuals."* But then they could hardly know whither this rather common occcurrence was to lead them. This does not in any way excuse the stupid pompousness of Yorke in the whole proceeding. Such sensitiveness raises the suspicion in the reader's mind that Yorke felt his exclusion of strangers unjustifiable.

This was on 21 February. Three weeks passed; the affair was apparently finished; John Gale Jones was in Newgate prison and would presumably stay there until Parliament rose. Then, suddenly, 12 March, Sir Francis Burdett rose to defend the prisoner and move his release. He lamented his absence on 21 February exceedingly, for he realized, he said, that "he stood in a worse situation to persuade the House to recall an act after a decision upon it than he should have done to prevent the commission before it was adopted." But he insisted he was going to try to induce the House to retrace a step which they were not authorized to take.

He belittled the position of the House of Commons. It was not the Parliament of the country but only one of the branches of that Parliament. In fact it appeared to him that "the House of Commons was, though a constituent member, yet the inferior branch of the legislature. . . ." Here he was called to order. "It was not orderly to designate the House as the inferior branch of the legislature." But Burdett pointed out that there was a difference between Parliament and one branch of it. This was the basis of his complaint of the illegality of the imprisonment of John Gale Jones. He discussed also the difference between privilege and power. Privilege they (the House) were to exercise to prevent the Crown from molesting them in their proceedings. They were not to allow it to be converted into power or a

*Fremantle, *op. cit.*, vol. II, p. 306.

right to be exercised over others. He cited numerous decisions to explain the real nature of privilege: a decision from the time of King Canute, one made by Edward II, a decision by Coke in 1621, as well as a number of later ones. He mentioned the NORTH BRITON and the caution of the House in dealing with that. Members had then merely addressed the attorney-general to have the delinquent prosecuted in the courts.

Burdett concluded by saying:

"If gentlemen, therefore, were of opinion that a resolution of that House was equal to that of all the branches of the Constitution, they would agree in rejecting his proposition. But if, with him, they thought that they could not overturn the law of the land and the acts of Parliament solemnly passed by any assumed power exercised by that House alone, they would agree with him that John Gale Jones must be discharged."*

Burdett's speech was well-reasoned, logical, at least in form: the array of citations was impressive; but from the point of view of the release of Jones, the statement of principles and the charge of illegality of the action of the House was to say the least unfortunate. It was, however, in principle rather than in John Gale Jones that Burdett was interested. But even Lord Archibald Hamilton and Lord Folkestone, two of the baronet's accustomed supporters, were unable to go all the way with him. Opposition members opposed Government, of course, but not too strongly. It was the questioned legality of the previous proceedings that troubled every one. Sheridan attempted to bring the matter back to Burdett's actual motion by objecting to Jones' being made a martyr to the House's disagreement with Burdett. Accordingly he moved an amendment to the motion for discharge to the effect that it should be done "in consequence of the contrition which the prisoner had expressed, etc." Perceval, however, insisted release must be prefaced by a petition from Jones. After further debate,

*PARLIAMENTARY DEBATES, vol. XVI, p. 11*****.

both Sheridan's amendment and Burdett's motion were lost, the latter by a vote of 139 to 14.*

Cobbett was enthusiastic over the speech. It was ". . . very important that such a man as Sir Francis Burdett should be found to espouse the cause of Mr. John Gale Jones. . . ."** And the prisoner himself was immediately aware of what had happened, and apparently quite content to be sacrificed perhaps to a principle. 13 March, he wrote from Newgate to Sir Francis Burdett to say that having been fortified by the baronet's arguments, he would never petition for his liberty, which was his by right.***

The discussion in the House when Burdett made his motion was not exciting. There was no warning of what Burdett would do next, or whether he would do anything. It was unexpected when the POLITICAL REGISTER of 24 March carried under a very large heading: "SIR FRANCIS BURDETT TO HIS CONSTITUENTS Denying the Power of the House of Commons to Imprison the People of England."****

Cobbett had discussed the right in the previous issue of the REGISTER, but now, he said, he could reach his end "more effectually, by publishing, by sending, at once, from one end of the country to the other, the whole of the argument of Sir Francis Burdett. . . ."***** In this, Government was facing agitation of a serious nature. The Speaker went home with the prime minister after church on Sunday, the 25th, to look at the REGISTER.***** Perceval decided then to move to commit Sir Francis to the Tower, and, though it was not done, to order Cobbett to the bar of the House.

*PARLIAMENTARY DEBATES, vol. XVI, p. 12.*****
**POLITICAL REGISTER, vol. XVII, p. 417.
****Ibid.*, vol. XVII, p. 359.
*****Ibid.*, vol. XVII, p. 421.
******Ibid.*, vol. XVII, p. 417.
*******Colchester, *op. cit.*, vol. II, p. 240.

Burdett's "Letter to his Constituents" was followed by the "Argument". This was a restatement of his speech of 12 March. It is somewhat elaborated and is embellished with rhetorical devices which make it more effective reading. The Letter and the Argument together were highly critical of the House of Commons.*

Cobbett took a peculiar risk in printing the letter and the speech because an information for libel had been filed against him by the Attorney General in July, 1809. No attempt, however, had been made to bring him to trial. He was perhaps also encouraged by the belief that he was secure through the acquittal, early in 1810, of the editor of the CHRONICLE, Perry, and the dismissal of a similar charge of libel against Leigh Hunt of the EXAMINER.**

On the Sunday Perceval had determined to bring the matter before the House, and on the Monday, perhaps at his suggestion, a Mr. Lethbridge, one of the members for Somerset, gave notice that he would make a complaint the next day. On Tuesday morning he took counsel with the Speaker on the form of proceeding. It seemed that "he had long been desirous of marking Sir Francis Burdett's conduct towards the House of Commons and was encouraged by his friends to take up the business." At the opening of the day's session this gentleman "rose with a degree of pain and embarrassment which he had never felt before, to make a complaint against one of the members of the United Commons of Great Britain who in his opinion had violated the privileges of the House. His hair, he said, sometimes stood on end to hear the baronet talk.*** (Leigh Hunt in the EXAMINER recommended the Gentleman to wear a wig or have

*In addition to being printed in the POLITICAL REGISRER, they were printed in pamphlet form; one, preceded by the SKETCH OF THE LIFE, already cited, printed by J. Morton, and, according to the title page "sold by all booksellers and newsmen in town and country"; the other printed for R. Bagshaw and J. Budd.

**Cole, *op. cit.*, p. 151 *et seq.*

***PARLIAMENTARY DEBATES, vol. XVI, p. 136.

his head shaved, because there was no possible chance of silencing Burdett.) Although Lethbridge said he had marked the passages that justified his charge, the Speaker instructed the clerk of the house to read this paper.* It took an hour and a half.** When the Speaker called upon Burdett, Lord Folkestone protested that he could not reply to the whole thing. Lethbridge then quoted the offending passages.

Burdett spoke. The address was his, he said. The argument was his. But he had heard no refutation of his principles. "He could not look upon himself as called upon to undertake their defense. . . . He was willing to abide by the fact and argument of that paper; he would stand the issue, but if it were the pleasure of the House that he should now withdraw, he was ready to withdraw." (Cries of No! No!) But the Speaker pointed out the usage of the House which was withdrawal. Sir Francis Burdett withdrew. His friends might fairly feel proud of his behavior.

After some opposition to the proceedings from Lord Folkestone and one Lord Ossulton, Mr. Lethbridge made the motion which he had hastily patched upon with the aid of another member "behind the chair". It was to the effect that Burdett's publication was a scandalous libel on the House of Commons. All parties seemed agreed, however, at this point, that further discussion should be adjourned. Government favoured adjournment to the next day; Opposition favoured a week hence. The former was agreed upon, and the House turned to further debate upon the Walcheren expedition, for this matter was still in progress.

All the next morning, Abbott, the Speaker, was busy "in searches upon Sir Francis Burdett's question." He sent an abstract of the result to the Prime Minister and the Attorney-General.*** That

*Accordingly copies of both the Letter and the Argument appear in the DEBATES, vol. XVI, p. 137 *et seq.*

**Colchester, *op. cit.*, vol. II, p. 241.

****Ibid.*

evening Sheridan opened the adjourned debate to move the whole question be referred to a committee of privilege, and that this committee resume its sittings a week later. Mr. Brand terminated a discussion concerning procedure by moving adjournment of the debate to "tomorrow se'nnight". His motion was debated until half past twelve. Folkestone and Romilly as well as others supported postponement. Government was anxious to conclude the business and Perceval was particularly insistent. But finally he was forced to give in when several members of the Treasury Bench urged adjournment. It was accepted at last without a division.*

That night Romilly wrote of the matter in his diary with misgiving. He had already learned that Government intended establishment of Burdett's guilt of breach of privilege to be followed by commitment to the Tower. He foresaw the possible consequences, especially "if the principal member of Opposition to Government concur in it." "The popularity of Burdett," he continues, "on account principally of his conduct respecting the Duke of York, and the opposition he has made to the prodigal expenditure of public money, is great just in proportion as the House is low in the public estimation."**

In the week that followed the public was fully informed and "greatly upon the stretch respecting the result."*** The TIMES did not think the House could recommend very harsh measures toward Sir Francis Burdett while admitting that "The rank and station and means of knowledge possessed by this gentleman, as well as the abstract nature of his offense, if it proves to be an offense, would render him infinitely more deserving of punishment than Mr. Gale Jones. . . .", the paper was impressed with the great stabilizing force of the House of Commons in the past

*PARLIAMENTARY DEBATES, vol. XVI, pp. 257-305. Leigh Hunt's comment on the whole proceeding in the early stages of the affair is very clever and wise. Cf. EXAMINER, 1810, p. 207 *et seq.*

**Romilly, *op. cit.*, vol. II, p. 307.

***THE TIMES, 4 April, 1810.

and could only "wish it a happy extraction from a question of no ordinary embarrassment; and which is likely to be rendered all the more difficult by the temper of the times and the unhappy turn of public opinion."

Some fears of the storm which the matter had raised, and which might increase, must have been in the minds of a number of the members when the House returned to the question, 5 April. After Lethbridge had reopened the debate, the first speaker was Lord Ossulton. He spoke in a low tone, perhaps to set a quiet, reasonable pace for the debate. He vindicated the doctrine laid down in the "ARGUMENT", and particularly stressed the fact that Burdett could not have been influenced by any anti-constitutional motives in his public conduct. The speaker thought Burdett's "amiable private character, his great stake in the country, and his ancient family" made that supposition impossible.* It was in fact those very considerations added to his so-called radicalism that had confirmed Government in its decision to convict him. Sir John Anstruther, another member of Opposition, thought the ARGUMENT contained bad arguments in very bad language, but he felt that Lethbridge had been very injudicious, (or, as we know, ill-advised) in making so serious a cause of a matter which should have been left to its own fate. This is the very attitude which one feels should have been adopted. Not doing it, Government blundered gravely.

The debate continued until half past seven in the morning. The ministry and those groups which had been left out in the rearrangement of the previous autumn supported a motion made by one Sir Robert Salusbury to commit Sir Francis Burdett to the Tower. The Opposition spoke to a motion of a Mr. Adam for a reprimand by the Speaker. Sir Samuel Romilly went a step further, and in a particularly able speech maintained that the House had no cognizance whatever of the offense.** He did not dispute the right of the House to imprison in all cases of breach of privi-

*PARLIAMENTARY DEBATES, vol. XVI, p. 455.
**_Ibid._, vol. XVI, p. 477.

lege which obstructed the proceedings, but he denied the right of the House to punish animadversions on proceedings of the House which were concluded. Such matters should be left to the ordinary tribunals. In this Romilly echoed what Burdett himself had said regarding Jones's offense.*

At the end of a long night's debate a division occurred on a motion for reading the other orders of the day. This, of course, would mean dismissal of the whole matter. There were 80 votes in favor of such a course and a majority of 191 against it. Sir John Salusbury's motion for commitment to the Tower was then passed by a majority of only 38. In the list of the minority appeared the names of all the groups in Opposition; conservatives like Wilberforce, Brougham, Porchester and Ponsonby, as well as more radical members like Cochrane, Whitbread, Brand, and Folkestone.

Government had won its point. The complaint had been made by a member seldom heard; and this surely had been the work of the Treasury Bench. Indeed Opposition challenged Lethbridge to deny it, and though he did so, it carried little conviction. Perceval, likewise challenged, made no reply. The motion for conviction was in the same case.** At seven-thirty Friday morning, 6 April, 1810, the affair seemed concluded. It remained only for the Speaker to prepare the warrant for Burdett's arrest, and for the Sergeant at Arms to execute it.

It is rather strange that Government did not foresee the difficulty of executing the warrant, when we know that the popular excitement was already very great on the Thursday night. The Sunday Review reports that "At the early hour of ten o'clock on Thursday, the avenues to the House of Commons were blocked up by a great crowd, eager for admission; and, the moment the doors were opened, the gallery was filled almost to suffocation.

*Romilly, *op. cit.*, vol. II, p. 245. Curiously enough, in his Diary Romilly confesses inconsistency in his own doctrine.

**Farington, *op. cit.*, vol. VI, p. 51.

. . . The lobbies remained crowded during the whole of the night, and an extraordinary number of constables were on duty to preserve order. A corps of the Horse Guards were under orders, to act, if necessary, in case of any tumult."*

Mr. Colman, the Sergeant at arms, accompanied by his deputy, went with the Speaker to his house where warrants were prepared and signed by Abbot before nine o'clock on Friday morning.** The sergeant and his deputy then went to Burdett's house in Picadilly only to be told by the porter that the baronet was not at home and that he did not know when he would be. Colman went to his own home to write a letter to Burdett desiring to know when he would be ready to go to the Tower. This letter he left at Burdett's house. The baronet received it when he arrived from Wimbledon about one o'clock. He had been there for several days, and had been apprized of the vote by his brother, Jones Burdett, who was his active supporter throughout the ensuing week-end.***

Colman arrived again at Burdett's house before the baronet could secure the delivery of a letter he had written to him. He was then informed by his prospective prisoner that he would receive both the warrant and the sergeant on Saturday at noon. The sergeant then "politely bowed and withdrew." This politeness secured for him a reprimand from the Speaker when they met at the House of Commons in the afternoon.****

It was eight o'clock that evening before Colman was back at the house in Picadilly. This was perhaps partly owing to the necessity for making preparations at the Tower itself. These preparations were rather formidable. Within an hour after the House rose, "three pieces of artillery were taken from the ramparts, and placed opposite the gate; the ditches around the Tower

*Add. MSS., 27,839, f. 39.
**Colchester, *op. cit.*, vol. II, p. 245.
***Add. MSS., 27,839, f. 39. SKETCH OF THE LIFE, etc., p. 79.
****Colchester, *op. cit.*, vol. II, p. 246.

were filled with water. All the yeomen, in their full dress, were at their respective posts, and a double guard was placed on the outside." When the Earl of Moira, governor of the Tower, arrived, about ten o'clock, the crowds had begun to assemble in great numbers. "Some surrounded the Tower gates, and filled the immediate avenues, on the land side." It was raining, but notwithstanding, several thousands remained until dusk.*

Their waiting was in vain; for when Colman returned to Burdett's house that night he was told by the baronet that he would submit only "to an overwhelming force". ". . . But I dare not," he told Colman, "from my allegiance to the King and my respect for his laws, yield a voluntary submission to such a warrant—it is illegal." He had written a letter to the Speaker which, if he pleased, Colman might deliver. Mr. Colman, however, did not please; but having tried to persuade Burdett, and having been met with a flat refusal, withdrew, and went post haste to the Speaker again.** Since the House had risen early, Mr. Abbot was at home. The magistrate whom the sergeant had found at the secretary of state's office told him he could not take Burdett that night for there was not force enough. They (the sergeant and his deputy) found that the Lord Mayor's support would be necessary to convey Burdett from the bounds of Westminster into, and through, the City. Accordingly, they told Abbot all this and went off to arrange matters.***

At ten o'clock the baronet's letter was delivered to the Speaker. We do not know exactly what had led him to his decision to resist arrest. He had made up his mind apparently between one o'clock in the afternoon and eight o'clock at night. Mr. Whitbread, Mr. Wardle, Lord Folkestone, Lord Thanet, and Sir Samuel Romilly were believed to have visited him on Friday afternoon.**** The last named denied it absolutely in his Diary. In-

*Add. MSS., 27,839, f. 39.
**Sketch of the Life, etc., pp. 79-80.
***Colchester, *op. cit.*, vol. II, p. 246.
****Add. MSS., 27,839, f. 39.

stead, he wrote that he understood Burdett was acting on the advice, principally of Roger O'Connor, Colonel Wardle and Lord Cochrane.* Burdett's letter to the Speaker together with his letter to his constituents, and the Argument constituted a reasoned defiance of Government's policy. In it he pointed out that the electors of Westminster had chosen him as "their trustee in a House of Commons to maintain the laws and liberties of the land; having accepted that trust, I will never betray it." He had also taken an oath to the King to obey his laws and he (Burdett) would never consent to obey "any set of men who, contrary to those laws, shall under any pretense whatever usurp the power of the King." The Speaker's warrant, Burdett was convinced was illegal. He requested at the conclusion of his letter that it be read to the House.** An hour later, the sergeant was back at the Speaker's. Did his warrant, he wished to know, justify the breaking upon of doors? The Speaker did not know, but the magistrates, he supposed, would do what was necessary.***

During the evening crowds in the West End and especially in Piccadilly grew steadily larger. The greater part of the houses in the west end of the town were illuminated in consequence of the demand of the people. Nightfall was the signal for small groups of rioters to begin action. Their rage, which was probably sincere in many cases, was vented on those who had had anything to do with the barnoet's committal. They attacked the house in Berkely Square where it was believed Lethbridge lived. He had formerly lived there, but did not, then. Before this was discovered, however, they had demolished all or part of the windows of the houses of nine other members of the House of Commons.**** "The house of Lord Castlereagh particularly suffered, as did that of Lord Chatham, in Hill Street, and of Mr. Yorke in Charles Street.

*Romilly, *op. cit.*, vol. II, p. 312.

**The letter was published in The Times and the Political Register. It also appears in Parliamentary Debates, vol. XVI, p. 350, and in Colchester, *op. cit.*, vol. II, p. 247.

***Colchester, *op. cit.*, vol. II, p. 247.

****Sketch of the Life, etc., p. 80.

An attack was also made upon the residence of Mr. Perceval, in Downing Street; and after breaking several of the windows, the mob were dispersed by a party of Horse-guards, detachments from which continued to patrol the streets throughout the night."* Sir Robert Salusbury, who had moved Burdett's committal, left town altogether and went to his brother's in Hertfordshire. Because he had sometimes stayed with his aunt in Russell Street, she too quitted her house. When Salusbury returned later and tried to get accommodations, several hotels refused to take him for fear of reprisals; and he was forced to leave London for the rest of the Spring.**

Saturday morning, we are told, "all was tranquil".*** Indeed before one o'clock in the morning the people who had been breaking windows had entirely dispersed. Nevertheless, matters stood where they were the previous morning when the Speaker prepared his warrants. The sergeant at arms was early abroad. On Friday night he had called together "all the door-keepers and other servants of the House of Commons, and it was then agreed that they should assemble on Saturday morning at 5 o'clock, for the purpose of proceeding to Wimbledon, expecting that Sir Francis would sleep there."**** The sergeant and his men were at Burdett's house at half past six in the morning. They were given entrance but told that Sir Francis was not at home. Accordingly they left a messenger in the hall with the warrant; and Colman having reported to the Speaker, went down to Wimbledon only to find that the baronet was not there either. He had breakfasted with Roger O'Connor in Maddox street. After breakfast, the two walked to Half Moon Street, where Burdett mounted his horse, and accompanied by a groom, rode in the Park.*****

The messenger saw Burdett when he returned about noon from his ride. He delivered the warrant to him, but was then with

*Add. MSS., 27839, f. 39.
**Farington, *op. cit.*, vol. VI, p. 51.
***Sketch of the Life, *etc.*, p. 81.
****Add. MSS., 27839, f. 39.
*****Patterson, *op. cit.*, vol. I, p. 260. I do not find this point elsewhere.

"gentle violence" put out of the house.* The sergeant had now, as Abbot pointed out in a letter to Perceval no warrant to justify his touching Burdett.** By the middle of the day

there were not less than three or four thousand people in front of Burdett's house. They had recourse to the same conduct as on the preceding day, pelting with mud those persons on borseback, the drivers of coaches, carts, of wagons, who did not take off their hats on passing the house of Sir Francis. . . .

Shortly after noon a

troop of the Horse Guards arrived, attended by their Colonel and Mr. Reid, the Magistrate, together with a considerable body of the civil forces. Their appearance excited the most alarming ferment. Groans, hoots, shrieks and every exclamation of contempt and indignation were thundered forth from all quarters. About one o'clock the commotion was so tremendous that Mr. Reid deemed it necessary to read the Riot Act, ... This was only productive of more violent conduct; he was defied to put his threats in execution.***

Two other magistrates were in attendance continuously from mid-afternoon until nine that night. They then reported to the Home Secretary, Richard Ryder, that the assistance of the Life Guards had prevented the "tumultuous and riotous mob" from doing mischief. Before it became dark on Saturday night, the Guard "dispersed the whole of them (the mob) to a considerable distance on each side, but as soon as the Guard relax in any degree in their activity, they (the crowd) shew a disposition to assemble again."**** During the afternoon, Burdett took advantage of the presence of troops to address a letter to the sheriffs of Middlesex. In it, he explained that his house was "beset by a military force." Since the sheriffs were the "Constitutional officers appointed to protect the inhabitants of your

*Add. MSS., 27839, f. 44. Patterson, *op. cit.*, vol. I, p. 260, says only persuasion was used.

**Colchester, *op. cit.*, vol. II, p. 248.

***Sketch of the Life, etc., pp. 81-82.

****Letter to Ryder, 7 April. H. O. 42/106.

bailiwick from violence and oppression from whatever quarter they may come," Burdett requested their aid either by a *posse comitatus* or whatever the circumstances required.* In the evening one of the sheriffs, Mr. Wood, took the letter to the Speaker; but Abbot told him merely that he (Abbot) had done his duty and that the sheriff was to do what he thought proper.**

In using troops, Government had immediately aroused in the local authorities as well as in the public, the inveterate jealousy of a standing army so common in the British. Encouraged perhaps by this display of rival authority and by a rumour that there was intense hatred between the Horse Guards and the Life Guards, the crowd became more and more menacing until about eleven at night the inevitable clash between the military and the populace occurred. An observer noted with alarm that

> The crowd accumulates alarmingly and calls for illuminations on the spot of its assemblage. The military forbid, as far as they can, compliance with the will of the people, while the terrified inhabitants waver between the mandates of one and the other party. The soldiers are more enraged than ever from the incessant motion and revilings and hootings: they plunge forward among the crowd, and strike on every side with drawn swords. God only knows what will be the event of this night! . . . . . .***

Within the next hour the crowd attacked the soldiers. Armed chiefly with materials from two houses which were under construction, the people cut and bruised several. Thus provoked, the Guards were under the necessity of dispersing the mob. Several shots were fired; one man was taken to a hospital severely wounded, and "about a dozen others were brought to a chemist's shop to have their wounds dressed".**** Most of the casualties occurred "in the narrow passage leading from Piccadilly to Jermyn Street."***** The Tower as well as Piccadilly had been a gathering place for people throughout the day. All the officers

*Colchester, *op. cit.*, vol. II, p. 249-50. SKETCH OF THE LIFE, etc., p. 82.
**Colchester, *op. cit.*, vol. II, p. 249.
***Add. MSS., 27,839, f. 39.
****SKETCH OF THE LIFE, etc., p. 82.
*****Add. MSS., 27,839, f. 39.

were on guard, all the guns on the ramparts in readiness, and sixteen artillery men belonging to Woolwich were added to the usual complement doing duty. The editor of the SUNDAY REVIEW did not leave Burdett until half-past twelve. He understood then, that the sergeant, and some messengers belonging to the House of Commons, with Mr. Reid, the Magistrate, and some others were in attendance in the Club House adjoining Sir Francis's, awaiting orders for the enforcement of the warrant. The people nearly dispersed, and tranquility shown everywhere, except in those places where the presence of the military attracted attention.*

During all the events of this day, however, Government hesitated. It is a striking comment on the importance of the liberty of the subject that ministers were reluctant to avow the right to break open doors. In the afternoon Perceval advised the sergeant's deputy to take the opinion of the Attorney General on the question. But it was not immediately forthcoming. That night a cabinet council met. The opinion of the law officers of the Crown was taken; and orders were transmitted from the War Office in every direction, for every regiment within a hundred miles of London to march to the metropolis.** The cabinet council broke up about eleven o'clock.*** Then on his return home Perceval wrote the Speaker that "Mr. Attorney General has doubts whether the warrants will justify breaking open doors."****

Sunday morning, 8 April, the mob assembled in Piccadilly in greater numbers than ever. About half past twelve, the sheriffs appeared attended by the *posse comitatus*. They waited upon Burdett and seem to have agreed with him as to the illegality of the warrant. Sheriff Wood had no doubts at all; Sheriff Atkins was less certain. "Sunday passed without much annoyance." Burdett was not alone. Practically all the Radicals in Parliament called upon him either Saturday or Sunday and in addition,

*Add. MSS., 27,839, f. 39.

**SKETCH OF THE LIFE, etc., p. 83. A NARRATIVE of the events also appears in BELL'S WEEKLY MESSENGER, 8 April, 15 April, 1810.

***Add. MSS., 27,839, f. 39.

****Colchester, *op. cit.*, vol. II, p. 251.

Major Cartwright and Mr. Coke of Norfolk.* At least two of the visitors urged the baronet to yield obedience to the warrant, but Burdett had made up his mind. Coke argued "it would excite the populace needlessly and lead to disastrous riots, probably bloodshed, and although the principle was correct, Burdett's action with regard to it was a mistake in judgment."**

That morning when the sergeant and his deputy came to the Speaker to say they had once more demanded entrance at Burdett's and had been refused, Abbot could advise them only to be all day at hand to serve the new warrant, which the Speaker had given them the previous evening, if the baronet came out. After that the Speaker went to church! Upon his return both the Prime Minister and the Lord Chancellor came to talk over the situation. All three agreed upon the defective power of warrants from either house of Parliament.***

We have a glimpse of conditions on the Sunday afternoon from a letter which the Earl of Chichester wrote to Ryder, presumably that night.**** There were at the moment he wrote

> five Lackis in my House who have been obliged to take refuge here, from a violent mob who pursued them in their carriage from Piccadilly . . . and in truth the approach to the street (Stratton Street) is not safe in a carriage. My reason for addressing myself to you . . . is the apparent difference in the conduct of the Civil Power; during the whole of yesterday afternoon the Horse Guards paraded along the Streets and kept the Passage clear, by similar means, the approach to this Street has been uninterrupted during the whole of the morning; since two o'clock there have been no Guards or patrols, the consequence has been that Piccadilly and the end of this Street is so crowded that a carriage cannot pass with safety in as much as the Coachmen are compelled to pull off their Hats and lose all management of their Horses.

*Sketch of the Life, etc., p. 83.

**Stirling, Coke of Norfolk, vol. II, p. 89. *Cf.* also, Coleridge, *op. cit.*, pp. 265-68. There seems to be no evidence, however, regarding the father-in-law's attitude during the events.

***Colchester, *op. cit.*, vol. II, p. 251.

****H.O. 42/106. Chichester's letter is dated, without a time, 8 April.

Ryder replied that the "Sheriffs of London and Middlesex . . . have applied for additional Military Force, which I trust by the time this reaches you will have effected their object . . . ."*

"At five o'clock," the Speaker tells us, "I saw the Life-Guards advancing through the Park and Stable Yard to Piccadilly; the Riot Act having been again read, and the soldiers called in by order of the magistrates, who had in vain endeavoured to do without them."**

On the Sunday evening Jones Burdett, the baronet's brother, went to Place's house to call him to a consultation. Since to go in through the front door would perhaps break the siege which Burdett was standing, Place and his escort went by way of a house in Stratton Street belonging to the Coutts family and thence made their way by cellar passages to the baronet's.*** Wallas, Place's biographer, says "They found Burdett in consultation wtih the semi-lunatic Roger O'Connor."**** O'Connor was undoubtedly Burdett's rather constant attendant during the week-end. There is however no suggestion of his semi-lunacy in any contemporary account of this time. The Speaker or Romilly might be expected to mention so important a characteristic were it true. Lord Cochrane seems to have been the advocate of belligerency. Henry Hunt says that Cochrane drove up in a hackney coach and rolled into the passage a barrel of gunpowder for mining the front of the house, Burdett would have none of it, and his friend rolled it away again.***** Place counseled delay. It would be easy enough to clear the hall of constables and soldiers, to drive them into the street; but were they prepared to take the next step and go on to a general uprising against no one quite knew what? This sage advice "produced

*H.O. 42/106. Letter from Ryder to the Earl of Chichester also dated 8 April.

**Colchester, *op. cit.*, vol. II, p. 252.

***Wallas, *op. cit.*, p. 51. Patterson, *op. cit.*, vol. I, p. 269, doubts all this.

****Wallas, *op. cit.*, p. 51.

*****Hunt, *op. cit.*, vol. II, p. 391.

instant conviction of the folly of attempting any such thing." At least so says Place, approving himself.* Accordingly nothing was done that night.

It was agreed instead to make use of the civil power which the sheriffs had, that morning, promised Burdett. Place was to arrange to have as many householders as possible to aid the sheriffs on Monday morning in forcing the military officer to withdraw the troops entirely. Headquarters was to be the Gloucester Coffee House. Place says his object ". . . was to gain time, to prevent the capture of Sir Francis Burdett until after the House of Commons had again met, which was to be on Monday afternoon."**

This was a quite different policy from that which more hot-headed men would have pursued. Handbills with rather revolutionary suggestions had been put about the town since Saturday night. The governor of Bridewell Hospital enclosed in a letter to the Home Office two particularly obnoxious ones which were put under the hospital gate.***

ROUSE BRITONS.
PROCEED IN AN ARMED BODY TO THAT DEN OF THIEVES CALLED THE HOUSE OF COMMONS AND TURN OUT THE STATE PLUNDERERS.

and,

BRITONS
IF YOU DO NOT NOW RESIST THE RIGHT HONOURABLE THIEVES BY FORCE OF ARMS YOU WILL BE STILL FURTHER TRAMPLED UPON.

*Wallas, *op. cit.*, p. 51.
**Add MSS., 27,850, (197).
***H.O. 42/106. Letter from Governor of Bridewell Hospital to Home Office, 8 April, 1810.

The wise plans of Francis Place were not to be carried out. When the House met on Monday afternoon, Sir Francis was safely lodged in the Tower. The previous night (Sunday) the sergeant, Mr. Colman, decided on his own responsibility to make a forcible entry. The Attorney General's opinion when it had at last been received did not find a precedent for such action. Nor did the Speaker. Abbot, however, discussed with Colman the risk of actual force and its consequences and the risk of such additional censure as might result from the delay between "six to-morrow (Monday) morning and four in the afternoon, when the House would meet and he might take their further orders." The Attorney General had said force should not be used at night. The Speaker told Colman the act or the omission must be his (the sergeant's) own. But Abbot says also: "I told him plainly, with reference to his conduct on Friday last, nothing could justify his omission to have taken Sir Francis Burdett into custody on the first or on the second occasion when he saw him."*

Faced with this dilemma, the sergeant went away, and the Speaker, presumably, went to bed. All precautions had been taken. Having learned from Perceval that Mr. Wardle expected that night the mob would "have a fight for it,"** Abbot had ordered all the doors of the passages of the House of Commons to be shut and also the ground passage from Westminster Hall to Old Palace Yard. The St. Mary's Volunteers were under arms in the Hall with patrols as far as Downing Street, north; George Street and Bridge Street, east and west; and Abingdon Street, south.***

Upon the sergeant's return he found a summons to a cabinet council and at ten o'clock that night he was in attendance at the Home Secretary's office. Here within a very few minutes

*Colchester, *op. cit.*, vol. II, p. 254.
**Ibid.*, p. 252.
***Ibid.*

Mr. Colman told the cabinet he intended to use force, and the force which he thought necessary was promised to him.* One feels sorry for the sergeant throughout the proceeding; for he would seem to be damned if he did and damned if he didn't, and that by two branches of the same government; the courts and the executive.

On Monday morning, 9 April, the baronet and his wife, their son Robert, Sir Francis' brother, and Lady Burdett's two sisters, as well as her father and mother and Roger O'Connor all breakfasted together. After breakfast, Burdett was hearing his son read and translate Magna Charta, when a man having ascended by a ladder appeared at a window. He did not gain entrance however for Burdett and his brother closed all the windows quickly. At that moment constables followed by the sergeant were mounting the stairs. They had descended the area and burst open a window by which they entered the house through a servant's room. Gaining the drawing room where Burdett and his family were, the sergeant announced that Sir Francis was his prisoner. The second warrant was read; the first Sir Francis already had. The sergeant was still very polite and begged that the baronet would not make it necessary for him to use force. But very gentle force was what Burdett insisted upon. When a constable laid hold on him, he immediately gave in, protesting on his way downstairs that it was superior force only which hurried him out of his house and that the sergeant did it at his own peril. Burdett asked that his brother and Mr. O'Connor be allowed to accompany him. Permission to O'Connor was refused but Jones Burdett accompanied his brother.**

There now began a great procession to the Tower.*** It moved in the following order: two squadrons of the Fifteenth Light

*Parliamentary Debates, vol. XVI, p. 565. Sergeant's report, 9 April.

**Sketch of the Life, etc., pp. 83-85, has a very complete account. It has been followed by Patterson, *op. cit.*, vol. I, pp. 270-272, and by Coleridge, *op. cit.*, vol. II, p. 268-9. An account appears also in the Sergeant's report, Parliamentary Debates, vol. XVI, p. 565.

***Sketch of the Life, etc., pp. 85-86.

Dragoons, two troops, then the carriage with Sir Francis, "an old hackney coach" according to one account,* "a glass carriage" according to another.** Then there were two more troops of Life Guards, marching in open order, and a party of Light Dragoons forming the rear. The Foot Guards took a direct route to the Tower. All the rest went by a more circuitous route to avoid the crowds. Yet at first there were few people in the streets, so that a rapid pace could be set. But by the time the procession had passed up Albemarle Street, a cry was set up, "They have taken him! They have dragged him out of his house!" An immense crowd soon attended the cavalcade, a crowd so great that by the time the procession reached the Tower, the Minories and all the streets in the vicinity were completely blocked. But additional preparations had been made in the fear of disturbance. Troops were stationed near the Tower, and a fresh company had come from Tilbury by water that morning. The foot guards who arrived ten minutes before the carriage and cavalcade, lined up on each side of the way at the entrance. Even so, some cavalry had to be used to open the way for the carriage. It was three quarters of an hour after Burdett's carriage had come upon Tower Hill before he was received. During this time the baronet was in low spirits and had little to say.*** Perhaps, as one writer says, "It is pleasanter to have made than to be making history."**** His carriage stopped at the palisade of the Tower near the lions; and Sir Francis went on foot over the bridge and under the gateway to Lord Moira's apartments. Lord Moira, who had been awaiting his prisoner since Friday, gave him his hand and offered him the whole range of the Tower if he would give his word not to pass the gates. This Sir Francis did.

Meanwhile things were astir in the City, as the troops discovered on their return. While Burdett was still on his way to

*Add. MSS., 27,839, f. 40b.
**Monthly Panorama, vol. I, p. 286.
***Colchester, *op. cit.*, vol. II, p. 255.
****Coleridge, *op. cit.*, vol. II, p. 269.

the Tower, a writer in the STATESMAN records,

> The greatest alarm prevails in the Metropolis, and the shops are, many of them, shut in the City, the populace having already begun to wear ribbons, inscribed 'Burdett For Ever'.
>
> We are just informed that on the arrival of Sir Francis at the Tower, he was greeted by upwards of Fifty Thousand of the populace, and the greatest anxiety prevails in the neighborhood for the safety of the inhabitants.*

It was this excited crowd which having greeted Burdett's entrance into the Tower with groans and huzzas, pelted the returning soldiers with mud and stones. When opposite Trinity House, returning through Mark Lane, "they determined to endure the assault no longer and charged the multitude sword in hand. The firing of the carbines became now pretty general and several people fell."** A more succinct statement is merely this: ". . . they (the soldiers) were assailed with brick-bats by the populace, when they fired upon them, killed three, and wounded several."***

Meanwhile Francis Place was at the Gloucester Coffee House, as he had arranged the previous night. At half past nine he had a hundred men under him. They waited for Sheriff Wood who had declared he would defend Burdett from arrest. He was late in keeping his appointment, and when he came he brought the news that Burdett had been taken by force and was on his way to the Tower.**** It was double dealing on the Sheriff's part, for he had told the Sergeant on Sunday afternoon that he would assist him.***** He does not however seem to have been present in Burdett's house, but awaited the event before keeping his appointment with Place.

The ladies of the Coutts family had had an exciting time this morning. The sergeant and the constables had burst into the

*Add. MSS., 27839, f. 40b.
**SKETCH OF THE LIFE, *etc.*, p. 86.
***Add. MSS., 27839, f. 40b.
****Wallas, *op. cit.*, p. 53.
*****Colchester, *op. cit.*, vol. II, p. 253.

drawing room where they were, to secure Burdett. The ladies were present throughout the altercation and the forcible taking of the baronet. But to the surprise of one writer "they betrayed no symptom of alarm."* Lady Burdett was agitated however. She wrote to her daughter, who had remained at Wimbledon, "in the greatest haste and *flurry*" to tell her "your Papa was taken from his house this morning". But she thanked God that he was "quite safe though shut up in the Tower." Better there perhaps than at large and free to indulge his whims and impulses, she may well have thought.** We may suppose that Burdett notified his wife of his arrival at the Tower.*** We know that he wrote to the chairman of the Westminster Committee.****

The Speaker, who had been so thoroughly disturbed by the events of the week-end, was delighted to learn from Perceval of the taking of Burdett by force at ten o'clock that morning. At one o'clock he had a receipt for Burdett's person from the Lieutenant of the Tower by the hand of the worried Mr. Colman.*****

But this was by no means the end of the affair. The provinces had not yet learned of the excitement, but it was to be reflected throughout the country. The Speaker was determined to follow up, on the floor of the House, the matter of Burdett's letter to him, and Burdett instituted proceedings against both the Speaker and the Sergeant.

We will consider first the effect of the week-end's disturbances on the conduct of the House of Commons. When members arrived on the Monday afternoon they formed "an excited assem-

*Sketch of the Life, *etc.*, p. 85.

**The letter is printed in both Coleridge, *op. cit.*, vol. II, p. 270, and in Patterson, *op. cit.*, vol. I, p. 275.

***Patterson, *op. cit.*, vol. I, p. 274, says he did, but does not print the letter, though he prints that to Brooks.

****Add. MSS., 27839, f. 44; also in Sketch of the Life, p. 86.

*****Colchester, *op. cit.*, vol. II, p. 254.

bly".* Burdett's letter to the Speaker was submitted to them. After it had been read Perceval moved simply that it be laid on the table.** The House also, at the Speaker's suggestion, heard the Sergeant's report of the whole week-end's proceeding. The report was made with constant interruption and cross-examination. Government had the difficult task of both defending themselves against charges of remissness and defending the Sergeant as they had promised. Perceval's inclination was "to discover in his conduct *not an excuse* for his negligence on the first day, but a *proof* that it did not proceed from any bad motive either of timidity or disinclination to do his duty."*** The week-end had indeed been disturbing to all members of the House. Both Government and Opposition maintained the legality of the warrant and its execution. What was to be done with the baronet's defiance, they would take a day to consider.

Having presumably considered, Perceval wrote to the Speaker the next day shortly before the House met. His opinion was that to refuse to permit the baronet's letter to lie upon the table was to "put up with the insult as much as if it was permitted to lie there." One thing the Prime Minister was certain of: "expulsion, as it must lead to an election at Westminster, is not to be thought of."**** Such a situation would parallel the Wilkes affair, and though this was not mentioned it must have been in men's thoughts.

The question was opened on the Tuesday afternoon by a motion from Perceval; "That the letter which Sir Francis Burdett had written to the Speaker was a high aggravation of his offence; but it appearing . . . that the warrant . . . had been executed this House did not think it necessary to proceed any farther on the

*Walpole, *op. cit.*, vol. II, p. 96.
**Parliamentary Debates, vol. XVI, p. 551.
***Colchester, *op. cit.*, vol. II, p. 256.
****Ibid.*, vol. II, p. 258.

said letter."* There was a great deal of discussion. The Opposition found an opportunity to condemn the Ministers for dilatoriness and Ministers attempted to refute the charge and blame the Sergeant. The Speaker was irritated by Windham's insinuations; Perceval by those of Adam. Everyone grew warm. Whitbread and others while thinking the letter a breach of privilege could not agree to its being an *aggravation* of an offence; for in their eyes, Burdett's first breach was not an offence at all. Some hot-headed members demanded expulsion, but there was no enthusiasm for this. Whitbread and Cochrane alone were intrepid enough to refer openly to public opinion and to agree with that opinion, that the House had acted hastily and arbitrarily in condemning Burdett in the first place. Whitbread's speech especially, drew exclamations of disapproval from many members.**

Government was very anxious to have a unanimous vote. Consequently they amended Perceval's motion in such a way as to omit any mention of "aggravation". It was agreed *nem. con.* that the letter was a "high and flagrant breach of the privileges of the House."***

Burdett's action against the Speaker began two days later when the baronet's attorney left a notice at Abbot's house, to the effect that action would be brought within one month.**** The Speaker acquainted the House with the notice of the action the next day, 13 April; and was directed to have it entered upon the Journal, but no order for its lying on the table was adopted.***** The following Sunday, 15 April, Perceval again went home with Abbot after church. The Speaker was much put out to find the Prime

*Parliamentary Debates, vol. XVI, vol. 600. Walpole, *op. cit.*, vol. II, p. 97.

**Parliamentary Debates, vol. XVI, p. 600 *et seq.*

****Ibid.*, vol. XVI, p. 629.

*****Colchester, *op. cit.*, vol. II, p. 260.

******Parliamentary Debates, vol. XVI, p. 656. Commons Journal, vol. LXV, pp. 285, 194.

Minister not particularly interested or disturbed by the notice of the action. Abbot contended that the serving of the notice constituted a breach of privilege, and he had several cases to prove his point that there were sufficient grounds to stop action against him. Perceval doubted this. "Upon the whole," he said, "he was not *at present* prepared to take any step which should *warn off* the action against the Speaker, and still less against the Sergeant. And he did not like to take any step which should sever them (the two separate cases).* Abbot was not satisfied. He told Perceval that unless the order of the House or its warrants signed by the Speaker were "protected from inquiry into its legality in the inferior courts, there was *an end of all the authority* of the House of Commons. . . ."** There the matter rested for the moment. On the Tuesday the Speaker received a fresh notice of action for trespass and false imprisonment by Burdett. When he presented it to the House it was treated as the first had been.***

On 18 April Parliament adjourned for the Easter recess which lasted until the 30th. 1 May the Speaker went to Perceval and entered fully into the question of the actions. Cases were again gone into. Perceval was inclined to a committee to manage the defence.**** Abbot, not yet satisfied, spoke to the Opposition leaders in an attempt to bring them to his support.***** He succeeded so well that in subsequent debates Opposition was more zealous than Government in defence of the Speaker.

The motion for the committee was carried 7 May.****** On the 9th additional members were appointed. Opposition members that day announced and apologized for their secession from

*Colchester, *op. cit.*, vol. II, p. 263.

***Ibid.*

****Ibid.*, vol. II, p. 265. A letter from Perceval this day was equally non-commital.

*****Colchester, *op. cit.*, vol. II, p. 267.

******Ibid.*, vol. II, p. 269.

*******Parliamentary Debates*, vol. XVI, p. 855. Colchester, *op. cit.*, vol. II, p. 274.

the committee.* The committee reported on the 11th when the House resolved "that the Speaker and the Sergeant should have leave to appear and plead and that the Attorney General should defend them.**

The subsequent history of the case is a good but not an unique example of delay in the courts. A year later, 6 May, 1811, the argument of the case was postponed on account of the illness of a justice.*** In the summer of 1817, Abbot, having just been created Lord Colchester, is writing to Lord Chancellor Eldon to request that the question which had now by a writ of error been taken to the House of Lords be brought to a conclusion. Eldon in reply promises dispatch. 7 July, the House of Lords affirmed judgment against Sir Francis Burdett.****

Lord Colchester had won his defence and the House of Lords had decided on the privileges of the House of Commons, as the Speaker in 1810 in opposing his being permitted to plead, had feared they might ultimately do.*****

While the Speaker and the Prime Minister were discussing the question of the action against the former in the first weeks of Burdett's imprisonment much was happening "out of doors". What in Burdett shocked and troubled his fellow-members of Parliament, aroused and excited the people. One thinks he intended this, but the storm he created in the metropolis alarmed him before it subsided. Leigh Hunt said in the EXAMINER that even during the week-end of his siege, Burdett hesitated and had not made up his mind as to what his action was to be.******

For the disorders which accompanied the proceeding of the week-end the baronet could scarcely be blamed. As Cobbett

*PARLIAMENTARY DEBATES, vol. XVI, pp. 915-922.
**_Ibid._, vol. XVI, p. 1004.
***Colchester, _op. cit._, vol. II, p. 328.
****_Ibid._, vol. III, pp. 10-13.
*****Colchester, _op. cit._, vol. II, p. 269. Romilly, _op. cit._, vol. II, p. 323. (note).
******EXAMINER, 1810, pp. 235-236.

pointed out,

> Sir Francis Burdett made no speeches to the people, he addressed no letters or paragraphs to them, nor did any of his friends make either addresses or speeches in his behalf; there were no placards, nor were there any words or letters written on the walls tending to stir the people up to revenge.*

Cobbett believed that the accusation against Burdett of having caused the disorder was the result of "mortification at witnessing the proofs of Sir Francis Burdett's popularity."**

Government was well aware of the disturbed state of public opinion in the metropolis. As early as Thursday evening, 5 April, before the House had voted for Burdett's committal to the Tower,

> a Meeting was held at the Crown and Anchor, by several of the Electors, chiefly members of the Old Committee, for the purpose of framing a set of resolutions to be proposed at the public meeting which takes place on Tuesday week, (17 April). Nearly 2,000 electors have signed the requisition which was presented to the High Bailiff late on Friday morning, (6 April).***

Perceval expressed himself on the Sunday following the imprisonment as very much disturbed about the situation, and the conduct of the newspapers as well.****

The misgivings of the Prime Minister were shared by the Home Secretary. From 10 to 17 April, information was coming in to the Home Office from the postmasters of various towns.***** These, in sum, indicate that there was little if any organized rioting outside of London. But it is evident that there was some reflection of popular sympathy for Burdett. In Bristol

*Cobbett, Political Register, vol. XVII, p. 545. Cobbett's last statement was, of course, not true. *Cf. ante,* p. 123.

**Ibid.*, vol. XVII, p. 578.

***Add. MSS., 27839, f. 39.

****Colchester, *op. cit.*, vol. II, p. 261.

*****H.O. 42/106. "File of communications relative to the Tranquility of the Principal Towns in the Interior." Papers within the bundle have no notation except the date. For the most part they are arranged chronologically.

it consisted of "Burdett For Ever" chalked on walls; in Manchester, while there was no rioting, "one man appeared in the Exchange room with 'Burdett For Ever' on his hat." In Liverpool there was a party of sympathizers, for we are told that it was "much disappointed in not being able to excite public opinion in favour of Sir Francis and his opinions." At Worcester there was a requisition to the mayor calling for a "Common Hall". But this was prevented by a counter-requisition "by all the most respectable inhabitants".

The peace and quietness of Bridport on the day following Burdett's arrest was rudely disturbed by "a sailor with Burdett's colours (who went through the town) using very violent language in his favour." The postmaster wrote to the Home Office that this was "part of a plan'd scheme to make the lower class of sailors dissatisfied." Drivers of the coaches on the Norwich road and several others were said to be "unremitting in their shouts and clamours as they pass through the towns—thus widely spreading the spirit of violence and insurrection."* This was the Postmaster General's jurisdiction, and four days later he was able to report to the Home Office that reports from Colchester, Ipswich, Newmarket, Rumford and Witham, all denied it.**

Bury St. Edmunds was dreadfully disturbed by a report on the morning of the 9th that a thousand persons had been killed in London and that sixteen pieces of cannon were firing on the mob.

The postmasters of Birmingham, Leicester and York, all reported their inhabitants, "high and low," were "peaceably disposed" or "well affected". But the respectable and well affected in Carlisle were annoyed by inflammatory (and very ungrammatical) placards placed according to the report, "upon the cross," (this must have been the "Eleanor" cross). The mayor

*H.O. 42/106. This information is minuted ". . . Post Office to take measures to prevent such improper conduct . . ."

**_Ibid._, Mr. Freeling (Postmaster-General) to Home Office, 14 April.

took steps secretly to discover who did the work, but after the posters had appeared two days and been torn down each morning, there were no more put up.*

Evidently the people in these towns were not much affected by affairs in London, but a report from Bow stated that those on the left bank of the Thames from London Bridge to Blackwall were "considered to be much inclined to riot and tumult. The inhabitants of the lower part of Clerkenwell, in the vicinity of the Artillery Ground, of Shoreditch Parish, and still more particularly those of Spitalfields were represented as bad people and ripe for any kind of mischief."**

In the same report there is an indication that some of the "bad people" wanted a more radical leader than Burdett. "Several persons (not of the lowest class) on Saturday and Sunday night last, (14 and 15 April) were heard to say in Public Houses in Poplar, that Burdett had acted like a fool, that the time for their business was not yet come, but O'Connor and others would manage matters better."

The meeting of the electors of Westminster was held on Tuesday, 17 April, in Palace Yard. This was the open space just north of the House of Commons, between Westminster Hall and the river on the east, and Margaret Street on the west, south of Bridge Street. At nine o'clock in the morning the Speaker had all of the doors of Westminster Hall closed and all the entrances to the House of Commons. There was to be a guard stationed in the Speaker's court-yard. All Mr. Abbot's morning was occupied in "attending to the different measures necessary for securing the avenues to the House of Commons from the mob, if it should take that direction."***

*H.O. 42/106, Letter from Mayor of Carlisle to Lord Lonsdale transmitted to the Home Office. Date of letter, 15 April. Posters were enclosed.

**H. O. 42/106. Copy of letter from Lt. General Den to Lt. Colonel Torrens at to conditions in the Eastern Command. 17 April.

***Colchester, *op. cit.*, vol. II, p. 264.

Hustings were erected in the usual places and in the afternoon between forty and fifty thousand people assembled. The meeting, Cobbett says, "far surpassed in point of numbers anything ever before seen even in this great and public-spirited city, and the result showed that when the people receive no insults and no acts of violence, no violence is to be apprehended from them."*

The meeting began about one o'clock with the reading by the high bailiff, who was in the chair, of the requisition signed by about "two thousand of the most respectable inhabitants." A Mr. Sturch then came forward and in a short speech which stressed the illegality of the Government's action, proposed eight resolutions. He also urged on the crowd such moderation as would not give "any person room to say that their conduct was reprehensible." The resolutions constituted a general approval of Burdett's action, and thanks to Lord Cochrane and the independent members of parliament who had supported the baronet's position. After they had been seconded and unanimously approved, a petition to the House of Commons was dealt with in similar fashion. A letter to Sir Francis Burdett approving of his conduct and also reciting his efforts for reform which had moved the electors of Westminster to elect him in 1807, without his knowledge or aid, was read to the meeting. The particular efforts of Burdett which were recited in his constituent's letter to him were his

> generous exertions to destroy the horrors of secret and solitary confinement, to mitigate the severity of punishment in the army, to prevent the cashiering of its officers without cause assigned, to restore for the comfort of the worn-out soldiers the public property [Greenwich Hospital] conveyed by a job to a private individual; to prevent the extension of the barrack system and above all [his] unremitted exertions for a full, free, fair representation of the People in Parliament.**

The letter was "highly applauded and unanimously agreed to". Lord Cochrane spoke. For the first time something very like an harangue was heard. The speech was fiery and excited, occasion-

*Political Register, vol. XVII, p. 587.
**Sketch of the Life, etc., pp. 91-92.

ally interrupted by shouts of approval from the crowd. But Cochrane also concluded by urging that the "mighty multitude" create no tumult or confusion, riot or disorder.

To make doubly sure of this, Colonel Wardle, who spoke last, dissolved the crowd in laughter with an account of the sergeant's behavior during the now famous week-end. The speech is in amusing contrast to the solemn account which appears in the Speaker's diary.* As soon as Wardle had concluded on a note of Parliamentary reform, a vote of thanks to the Chair was carried and the High Bailiff adjourned the meeting. Several of the crowd were reluctant to leave, but the speakers retired from the hustings and after a few remarks from a member of the Committee, the crowd, finding no one else who would speak, dispersed.

Cochrane presented the petition to the House of Commons that evening. The petition was outspoken; it expressed the indignity which the electors felt at the House's treatment of their representative. They were also convinced that "no one ought to be prosecutor and juror, judge and executioner in his own cause, much less to assume, accumulate and exercise all these offices in his own person." The electors saw "the imperious necessity of an immediate reform in the representation of the people." In conclusion, the petition "earnestly called upon the House to restore to the electors their representative and to take the state of the representation into their earnest consideration."** The petition seemed to Sir Samuel Romilly to be couched in the most disrespectful of terms.*** Some members of the Opposition considered it offensive; and even Mr. Whitbread would have been better pleased if the terms had been "a little more softened". But surprisingly, the prime minister thought it should be received. Being well aware of what government had done to arouse popular

*Sketch of the Life, *etc.*, pp. 94-97.
**Parliamentary Debates, vol. XVI, p. 727.
***Romilly, *op. cit.*, vol. II, p. 315.

antagonism, he probably was averse to irritating it still further. After all, Westminster was Westminster, one of the very few popular constituencies in the land. Perceval played the benevolent despot. "He would rather err," he said, "on the side of indulgence than on the side of severity if the question could at all admit of a doubt."* Ponsonby, the leader of Opposition, agreed with him, as did Canning. Party lines did not hold; and the petition was ordered to lie on the table. "And this," Romilly wrote, "is certainly not the last affront which in consequence of the contest in which ministers have rashly plunged the House, they will have to receive and record against themselves."**

Nor was it. On 1 May, a petition from Middlesex praying for the release of Sir Francis Burdett, and what was more, for the expunging of all declarations, orders, and resolutions on the subject of Sir Francis Burdett was presented. This was too much; Government stiffened; and the petition was not received.*** A week later a petition from the Livery of London met the same fate. But two days later, 10 May, one from Reading simply praying the discharge of John Gale Jones and Sir Francis Burdett in "language so respectful as to defy even the most fastidious to raise any objection" was received.****

21 May three petitions were presented and received. These instead of being primarily concerned with Burdett were prayers for a reform of Parliament. Burdett was mentioned in all three as a leader whose advice was sadly lacking in the Commons chamber.***** But Cobbett, so far from thinking Burdett could aid, felt that in the debates on the several petitions, the "outs" had shown clearly their real views on reform. They were, it appeared, as much if not more the enemies of reform than the "ins".******

*Parliamentary Debates, vol. XVI, pp. 727-733.
**Romilly, *op. cit.*, vol. II, p. 315.
***Parliamentary Debates, vol. XVI, pp. 780-818.
****Ibid., vol. XVI, p. 949.
*****Ibid., vol. XVII, pp. 114, 118, 119.
******Political Register, vol. XVII, p. 644.

Major Cartwright took advantage of the revival of discussion on reform to present a petition on the subject. Before Burdett was committed, the Major was planning for his co-operation and that of Samuel Whitbread. When there was danger that Burdett might be removed before the Major could make use of him, Cartwright wrote a long letter to the STATESMAN 2 April criticising the Government and especially Perceval.* Now that Burdett was in the Tower, Cartwright persuaded Whitbread to introduce his petition for reform 14 May.** He said: "In view of the recent behaviour of the House of Commons, the sole alternative of the country is Parliamentary Reform or National Ruin." He trusted that the House would "take in good part his dutiful expostulations, cheerfully relinquish every unconstitutional claim of power, heal our distractions and preserve our liberties by exerting all its energies for restoring our two-fold constitution in its most vital organs, its Commons House and its County Power."*** But even so benign an appeal as this was not acceptable. There were objectionable passages and it was not until these were changed and it was again presented, 30 May, that it was received.****

Only the end of the session stopped the petitioning which Burdett's action had set in motion. With the exception of those from Middlesex and Berkshire all the petitions were from boroughs. In the day of stage coach (and that not a fast one) and rider, a corporate town was an easier unit in which to consolidate opinion and secure action. Every petition stressed two points; the release of the gallant gentleman in the Tower, and the reform of Parliament. The man and the reform were synonymous.

The prisoner in the Tower was not unaware of the enthusiasm he had created. Visitors were frequent. On the first evening

*Add. MSS., 27839, f. 36.

**Cartwright, *op. cit.*, vol. I, pp. 396-7.

***PARLIAMENTARY DEBATES, vol. XVI, pp. 1020-1031.

****PARLIAMENTARY DEBATES, vol. XVII, p. 202. Cartwright, *op. cit.*, vol. I, pp. 400-402. There is a good account of such a meeting to petition for reform at Rochester. Add. MSS., 27839, f. 149.

his brother and his son dined with him, as well as a Sir Daniel Williams, from whom we have the information.* In the evening Lady Burdett visited him, and found as she wrote her daughter, Sophia, that her husband had "very comfortable apartments and is perfectly well."** Creevy was an early visitor.*** Cobbett came the second day**** and frequently thereafter.***** O'Connor who had been a constant visitor in the Picadilly house during the week-end, came first 14 April, and very frequently after, sometimes spending the night with Burdett, sometimes staying all day. Lord Cochrane came, and Lord and Lady Oxford and their daughters frequently.****** Mr. Bickersteth, afterwards Lord Langdale, who had recently made the baronet's acquaintance through his brother, Jones Burdett, was also an early visitor at the Tower.*******

At least two testimonials from Burdett's admirers reached him. The letter adopted by the Westminster meeting brought a reply from the prisoner. After thanking them for the expressions of their sympathy and support, Burdett exhorts them to endeavor to bring about a constitutional reform by which

> Magna Charta and the old law of the land will then resume their empire; freedom will revive; and the caterpillars of the State, coiling themselves up in their own naturally narrow sphere will fall off and perish; property and political power, which the law never separates, will be reunited; the King, replaced in the happy and dignified station allotted to him by the Constitution; the people . . . restored to their just and indisputable rights. . . .

[and, in conclusion,]

> The question is now at issue; it must be ultimately determined whether

*H.O. 42/106. Letter from Sir Daniel Williams to Aaron Graham.

**Patterson, *op. cit.*, vol. I, p. 276. Coleridge, *op. cit.*, vol. II, p. 272.

***Creevy Papers, vol. I, p. 133.

****H.O. 42/106, Letter from Sir Daniel Williams to Aaron Graham.

*****H.O. 42/107. There are two files of Visitors to Burdett in the Tower, which were reported daily to the Home Office between 14 April and 18 June, 1810.

******Ibid.

*******Hardy, Lord Langdale, vol. I, p. 270.

we are henceforth to be slaves or free. Hold to the Laws, this great country may recover; forsake them, and it will certainly perish.*

On the 26th a vote of thanks was presented to him from a "numerous and respectable" meeting of the Middlesex electors at Hackney. This appreciation was of "his unanswered and unanswerable arguments in vindicating the rights of the subject . . . and his constitutional resistance to the Speaker's warrant."** This address was written by Major Cartwright.***

When the Livery of London adopted resolutions they paraded to the Tower to introduce them. There was an enormous crowd to look on at the procession, but "all the Gentlemen of the Livery were permitted to enter the Tower." Burdett received them on the Terrace.**** One writer reporting the event says: "The address was very long, and, we speak it with respect for the excellent sentiments from which it originates, it is very dry."*****

On 11 June Mr. Moore called upon Burdett with an address from the electors of Coventry.******

Leigh Hunt was one of the many men to defend Burdett. In editorials in the EXAMINER he decried the reformers whose cry was nothing but impatience of restraint, but Burdett, he thought, was very different.

The personal example of such a leader is one of the greatest benefits that can attend the cause; it regulates its temper and its actions . . . . The imprisonment of Sir Francis takes away his liberty only to give him

*SKETCH OF THE LIFE, etc., pp. 99-100. The letter is dated 20 April, 1810. Patterson, *op. cit.*, vol. I, p. 293, gives only the conclusion.

**Cartwright, *op. cit.*, vol. I, p. 403.

***POLITICAL REGISTER, vol. XVII, p. 674.

****_Ibid._, vol. XVII, p. 490.

*****BELL'S WEEKLY MESSENGER, 22 April, 1810.

******H.O. 42/107. "VISITORS TO BURDETT."

greater dignity and a greater personal advantage. His virtues are abroad, ranging about in all their example and effect, entering every open heart, and inspiring every honest enthusiasm.*

Samuel Whitbread was active also. He took a prominent part at the meeting of the Livery of London.** Coke of Norfolk was also interested. He was present at the dinner at the Crown and Anchor in May to celebrate the anniversary of Burdett's election to Westminster.***

Whenever parliament was prorogued the prisoner in the Tower would be released. Government came to give the matter serious consideration, fearing a repetition of the rioting and excitement that had attended the baronet's arrest. There is evidence in the Home Office papers that at the beginning of June there was a certain amount of disaffection and turbulence among some of the troops and other "persons who reside in it (the Tower)."**** Lord Moira who, though Governor of the Tower, was not a resident, considered residing during "the period of Burdett's further continuance there." Two days later four companies of the 7th Royal Veteran Battalion—presumably the disaffected group—were embarked from the Tower for Sheerness. Colonel Smith, the commanding officer of the Tower, reported to Moira that "their drunkenness, mutinous and unexampled disorderly conduct was shameful in the greatest degree . . . the whole time most riotous and almost mutinous, continually cheering in defiance of their officers, 'Burdett for Ever!' . . ."***** They were replaced by troops in such numbers that it was not possible to accommodate them all in the barracks; some were stationed in the New Mint and were "to take their tour in the duty of this garrison." Moira, forwarding the letter to Ryder pointed out, however, that he thought the behavior of the troops on the 15th

*Examiner, 1810, p. 259.
**Sketch of the Life, etc., pp. 100-102.
***Stirling, *op. cit.*, vol. II, p. 91.
****H.O. 42/107. Letter from Ryder to Lord Moira, 13 June, 1810.
*****H.O. 42/107. Letter from Col. Smith to Lord Moira, 16 June, 1810.

was due rather to their having to move than to "more dangerous dispositions", by which he meant perhaps too great sympathy with Burdett.

Meanwhile the public was apparently looking forward to the time for the baronet's release. There was a group of men who styled themselves the Committee of the Friends of Sir Francis Burdett. This group, of which Francis Place was in some respects the most active member, made elaborate preparations for a procession that would be more imposing, and naturally more festive, than the progress to the Tower. For three days prior to 21 June, the date set for the proroguing, Place did not leave his post at the Crown and Anchor, where he prepared the most elaborate and minute printed directions for the marshals, the processionists, and the spectators at every point on the route.* All this in spite of the fact that Place is said to have hated shows of any kind.

Popular feeling was growing excited. For example, 18 June, three days before parliament rose, a police report from Shoreditch stated that "many are inclined to consider the Baronet's liberation as a *triumph* and to talk freely of *Reform* arising from the circumstance we should therefore not wonder if attempts were made to induce a *general illumination* the *Shop Keepers,* are not on this occasion the *most backward* . . ."**

On 21 June,

On the previous night there had been a great disturbance among the Irish, in Bridgewater Gardens, London.***

On the 21st of June,

soon after the break of day, the populace was in motion and the sound of music was heard in every street. . . . Towards the afternoon the whole line of the streets from the Tower to Stratton Street was thickly planted

*Wallas, *op. cit.,* p. 55.

**H.O. 42/107, Police report from Worship St. station, 18 June. (Punctuation is unchanged.)

****Ibid.*

with people. Every window and elevated station was occupied; in Piccadilly scaffoldings were erected and the sides of all the streets were lined with wagons, teams and carts, filled with men, woman and children, every eye eagerly turned to the quarter whence the spectacle so much desired was expected to come.*

The procession arrived on Tower Hill about two o'clock, and awaited the baronet's appearance.

After a long wait there, a soldier called through a speaking trumpet that Burdett had gone by water, but no one credited it. At half past four, "three placards were suspended over the gates of the Tower with the following inscription: 'Sir Francis Burdett left the Tower by water at half past three o'clock.' "

There are several explanations of Burdett's decision to avoid being the center of a great demonstration by slipping away from the Tower privately. Wallas gives Place's explanation, that Wardle and O'Connor had exaggerated rumours of Place's treachery in connection with jury service which he had performed early in the month. He was the foreman of a coroner's jury on the death of the Duke of Cumberland's valet, 30 May. Scandal was hoped for by the public, for the Duke of Cumberland was extremely unpopular. But much to the disappointment of the scandalmongers the verdict on the man's death was suicide, rather than as had been expected, murder by the Duke. Place was promptly accused of having been bribed by the Court.**

Burdett, according to Wallas, came to believe that the sheriff's delay on the morning of 9 April had been due to Place's treachery. Indeed the baronet is said to have "half persuaded himself that Place might arrange with Government to have him shot as he rode in the triumphal car."*** Wallas appears to accept this explanation, for he says Burdett had plenty of time to work up these suspicions and fears while in the Tower because "one can-

*Hardy, *op. cit.*, vol. I, p. 270 *et seq.*
**Wallas, *op. cit.*, p. 54.
****Ibid.*, p. 55.

not read Magna Charta forever and Burdett was not a man to read much else." Such a statement is so ridiculous as scarcely to demand notice. Burdett's speeches, whatever their shortcomings may be, are filled with literary allusions, quotations from poetry, and evidences of classical culture. Patterson also points out that he was, while in the Tower, much interested in the antiquities of the place.* It must be remembered also that scarcely a day passed without visitors to the baronet at the Tower.** Francis Place himself was there 30 May and on 10 June. Colonel Wardle and O'Connor, who were believed by Place to have advised against the baronet's taking part in the procession were not the men to discourage fanfare and display in which they would have a port.

There seems no reason to look further for the explanation of Burdett's conduct than his own statement to a delegation of the Committee which waited upon him at Wimbledon the night of his secret departure. To them, he said

his conduct . . . had been the result of deepest reflection; it has occupied his mind more than half of the time he had been in the Tower; that notwithstanding the public might feel disappointed, and would no doubt, express that disappointment strongly, yet he was convinced that in less than six weeks there would not be a reflecting mind in the kingdom that would not approve of what he had done. . . . Had he by gratifying his personal vanity been the cause of a single accident, or the death of any person, he should have reflected upon it with pain for the remainder of his life.***

The Committee on receiving this explanation, accepted it, but could not understand why Burdett had not had his decision announced publicly. They were convinced that "he would not have been interrupted or molested in retiring from the Tower at any moment he might think proper."**** Romilly took the same

*Patterson, *op. cit.*, vol. I, p. 284.

**H.O. 42/107. Lists of Visitors to Burdett in the Tower, already cited.

***Add. MSS.*, 27839, f. 158.

****Ibid.*, f. 159b.

view of the matter: "Burdett did well not to appear in the triumphal cavalcade that was prepared for him; but he would have done better if he had declared his intention beforehand and if he had not suffered it to be imagined . . . that it was with his privity and approbation that the procession had been publicly announced."*

The arrangements for Burdett's leaving the Tower privately were made by Earl Moira, the Governor of the Tower, who was his friend. One cannot help but wonder whether he did not suggest the plan to Burdett. There is every evidence that Government was expecting trouble on this day. Could not the Home Office have suggested this way out to Moira? Whatever the explanation, Lord Moira wrote to Ryder to tell him that "A mounted Artillery Man will be in waiting at the door of the House of Lords. If, as soon as the Speaker retires from the Bar, you will cause it to be signfied to that Man that he may inform Colonel Neville the Parliament is prorogued, he will hasten with the Message (!) to the Ordnance Office; the Signal will then be made to me."**

Burdett's friend, Bickersteth, undertook to be ready to receive him in a boat at the water-gate. He had to row up and down for some time before Sir Francis appeared, and the boatman who did not know the purpose for which he had been hired seems to have guessed at the possibility for he at least had heard a rumour that Burdett was not inclined for the procession. There was a risk, too, of the secrecy's not being maintained because the Lieutenant of the Tower (Col. Smith) insisted on accompanying the distinguished prisoner to the water-gate.*** Burdett, however, gained the boat; and Bickersteth rowed him over to the Surrey side where they found his brother with horses. They rode immediately to Burdett's house at Wimbledon.****

*Romilly, *op. cit.*, vol. II, p. 340.

**H.O. 42/107. Letter from Moira to Ryder, 21 June, 1810.

***It is evident from several letters in the Home Office papers that Ryder was troubled about the friendship of both Moira and Smith for Burdett.

****Hardy, *op. cit.*, vol. I, p. 274.

The TIMES took a more romantic view of the escape, stating that it was Lady Burdett who met Sir Francis in a carriage when they immediately drove to Wimbledon.* The same account states that "Earl Moira wrote to Lady Burdett suggesting the prudence and propriety of Sir Francis's avoiding the possible tumult of the day. . ."** If this were true, it would bear out the suggestion that the initiative was taken by Moira. The crowd intended, after putting Sir Francis in the triumphal car to call at Newgate prison and place John Gale Jones in it to share the honours with the baronet. The TIMES, still pondering Burdett's change of plans, unkindly suggested 25 June that "Sir Francis Burdett may not have liked the proximity of so humble a compeer, which he nevertheless could not handsomely decline . . . he may not vastly affect a rival and fellow-claimant of popularity out of a subordinate rank in society."***

A modern historian puts a more generous interpretation on the baronet's behavior: ". . . there could be little doubt of what the agitation [i. e. the scheme for the triumphal procession] meant, — the intimidation from without of a united parliament. Burdett was a brave man, but his sprit began to quail before the enlarged prospect which was opening before him."****

*THE TIMES, 22 June, 1810.

**Ibid.

***THE TIMES, 25 June, 1810.

****Fremantle, *op. cit.*, vol. II, p. 312. The reviewer of Fremantle's book, Professor Cross, dismisses the whole affair as Burdett's "*opera bouffe*".

V.

A CHAMPION OF REFORM, 1810-1815.

The first visit which Burdett made after his release, if we may believe his host, was to Henry Hunt and his family, who were then residing in lodgings in London. Hunt had been there throughout the proceedings attending the baronet's imprisonment. He told Burdett on this occasion that he very much disapproved of his manner of leaving the Tower, as did all persons with whom Hunt had conversed upon the subject. Burdett would only account for it by saying that "Lord Moira, the Governor of the Tower, had persuaded him to do so."*

Burdett's popularity was injured by the conclusion of the imprisonment. "From that moment, Sir Francis Burdett lost the confidence of the people; he had deceived them, and they never placed implicit faith in him again."** Nevertheless on the floor of the House of Commons, the baronet was still the champion of reform, the relentless denouncer of the "System". The Commons had not succeeded in intimidating him by imprisonment. During the years from 1810 to the conclusion of the war his speeches are as lively and as dangerously close to a breach of privilege as were those in the years before his imprisonment.

At the opening of Parliament, 1 November, 1810, the King was ill. The Houses met in consequence of his inability to sign a commission for their further prorogation, and with expressions of hope for his speedy recovery, adjourned to 15 November. When they assembled on that day, Perceval moved further adjournment. Lest such procedure become habitual Whitbread made strong objection. Since the King could not transact or attend to public business, the Constitution was confessedly suspended. Why should the House not proceed to provide against

*Hunt, Henry, *op. cit.*, vol. II, p. 425.
**Ibid.*, p. 426.

so serious a deficiency (by a Regency bill).* Whitbread however would not divide the House on the question. But Sir Francis Burdett said he was determined to do just that for one reason, leaving other very serious considerations alone. His one reason was: there was no parliamentary ground for continued adjournment.** There was an overwhelming majority for adjournment on the division. 29 November, the procedure was repeated in the face of the opposition of Whitbread and Burdett, joined this time by Ponsonby, leader of the Whigs. Burdett spoke in the debate because, he said, "he should not think he had discharged his duty to his constituents if he did not;"*** for were not Ministers keeping government in their own absolute control by this means. Again the House divided and again it adjourned, but the Opposition vote had increased from 58 on the first division to 129 on the second in a slightly smaller house.

When the House met 13 December, a member moved for a new writ to fill a vacancy, but Burdett doubted the competence of the House to issue it. Indeed, "he could not call the meeting now assembled a House of Commons."**** Here is the familiar disturbing language which during the previous Spring for so long had agitated the House, and in particular, Mr. Lethbridge. The Tower has not cured Burdett at all apparently: and when 20 December after two further adjournments, the baronet again expressed himself, it was in the face of loud disapprobation. But he persisted in criticising very strongly the unrepresentative character, the corruption of the House.*****

Still the King's illness continued. By 15 January, the House had come to the discussion of a Regency bill. Burdett took the side of Opposition which was criticising the attempt of the Ministers to curtail the power of the Prince of Wales as

*Parliamentary Debates, vol. XVIII, p. 24.
**Ibid., p. 28.
***Ibid., p. 103.
****Ibid., p. 122.
*****Ibid., pp. 261-267.

Regent. The baronet objected to all sorts of things in the bill, particularly clauses which separated the splendor of state from the executive power. The Regency bill was passed 4 February, 1811, and became law the next day.

When, after two and one half months delay, Parliament could at last meet to hear the opening speech, it was made not by the Prince Regent but by the Lords Commissioners. Burdett seized the opportunity to point out that the Prince by his absence was expressing dissatisfaction with the bill.* As a matter of fact, the Prince was so little dissatisfied that, contrary to expectation, he retained the previous ministers in office.**

Nevertheless he seemed to Cobbett later in the year to be not unfavorable to reform; for 8 May, 1811, an address was published *by Authority* in the LONDON GAZETTE. This address had been passed at the last meeting of the people of Westminster. Cobbett wrote of it: "It blinks at nothing. Bribery, Corruption, Seat-trafficing, Foreign Troops, Star-Chamber works and all the rest are there. . . . There has never been any petition or address published in the GAZETTE which has called for the redress of grievances of any sort."***

The significance of Burdett's nagging on the Regency question lies not in anything that it accomplished, but in its being good evidence that Burdett, the critic, the radical, the individualist, is still very much alive in the spring of 1811.

One of the first of Burdett's parliamentary interests after his imprisonment was the perennial question of free speech and a free press. This question was peculiarly close to him. The lack of freedom of the press had been indirectly the cause for his imprisonment and it had brought Cobbett himself to Newgate

*PARLIAMENTARY DEBATES, vol. XVIII, p. 1183.
**Trevelyan, *op. cit.*, p. 177 *et seq.*
Hunt, Henry, *op. cit.*, vol. II, p. 434.
***POLITICAL REGISTER, vol. XIX, p. 1121.

in July, 1810, to begin a two year term.* There the publicist entertained a circle of friends every evening. Burdett, Henry Hunt, Colonel Wardle and Major Cartwright were almost always of the number. It was to be expected that the discussions would be carried to parliament. Lord Holland in the House of Lords gave notice of an inquiry into Informations *ex Officio,* 15 February, 1811, while Lord Folkestone in the Commons gave similar notice on 13 March.** Immediately a series of articles on the subject of the liberty of the press commenced in Cobbett's paper. Cobbett, since he says the public does not know what such an information—a thing which supplies the place of an indictment—laid by the Attorney General in virtue or by privilege of his office. In a case of this nature there is no grand jury, no witnesses, no previous hearing, no oaths, no, nor any motion to the court. Here the Attorney General without any previous notice whatever accuses any man whom he thinks proper to accuse and brings him to trial in consequence of an information which he himself lays up against him.***

By the time that Folkestone's motion came up for discussion, 28 March Cobbett had thoroughly aired the question in the Register, and he declared, 6 April, that he would never abandon it.**** He showed great contempt for a writer who made an academic question out of the abuse by discussing freedom of speech and writing, among the ancient Greeks and Romans.*****

Lord Folkestone introduced his motion with a long and able speech. He pointed out what a great increase in the number of

*Cobbett was sentenced 9 July, 1810, to two years imprisonment, £1,000 fine, and to give security for his good behavior for seven years, himself in £3,000, and two sureties in £1,000 each.

**Parliamentary Debates, vol. XVIII, p. 1215, vol. XIX, p. 365.

***Political Register, vol. XIX, pp. 428-9.

****_Ibid._, vol. XIX, p. 833.

*****The Times, 20 February, 1811.

such Informations had occurred in recent years, and the increase in the severity of the punishments at the same time. The whole policy he concluded had been eminently unfair, for men had been convicted for libel in the publication of matter which published verbatim in another paper had been left unnoticed. The COURIER, which supported Ministers, might publish anything, whereas one of the Opposition papers might be prosecuted for any statement that might be offensive to the Minister.*

Some of the charges were answered by Sir Vicary Gibbs, the Attorney General; but Sir Francis Burdett declared he had avoided

> all the strong points that would bear against him and all the material parts of this great question . . . with that dexterity peculiar to his profession of which he is so great an ornament. . . . It is high time, when the same system [of the Star Chamber] is reintroduced, when cruel and unusual punishments, and above all solitary confinement and distant gaols are again resorted to, that we should lay to heart in like manner, the slavish condition likely to be brought upon ourselves, if no restraint should be put upon the powers and practices now claimed and exercised by the Attorney General against the liberty of the press.**

Burdett's speech found favor with the dean of Reformers.***

When Folkestone rose a second time Cobbett's name was mentioned. The Attorney General had said that Cobbett took the course he did by a consideration of the profits of his paper.**** Folkestone said that imputation was unfounded and totally unjustifiable, and that Cobbett performed "eminent services for his native country when a public writer in America (to which) honourable testimony has heretofore been borne . . . in this House." But Folkestone forgot that Cobbett in 1811 was very different from Cobbett in 1802.

*PARLIAMENTARY DEBATES, vol. XIX, pp. 548-569.
**_Ibid._, vol. XIX, pp. 580-603.
***Cartwright, _op. cit._, vol. II, p. 6.
****PARLIAMENTARY DEBATES, vol. XIX, p. 571.

His motion for an investigation was negatived by a large majority. He returned to the attack in a slightly different way by moving investigation 12 June into the cases of two men who were in prison for libel. This time his motion was negatived without a division.* Burdett surely was not present on this occasion, for his voice was not heard.

At the end of the year, there was a meeting at the Crown and Anchor to take into consideration the claims of a Mr. White, who was editor of the INDEPENDENT WHIG, and who had been recently convicted of a libel. Sir Francis Burdett was in the chair and opened the meeting "with a very able speech; in the course of which he said:

> . . . It became more than ever important to guard and support the yet remaining remnant of the Liberty of the Press. (Applause.) This might be called the eye of the country, and though it might not be easy to determine how far it could operate to check or prevent the abuses of government, still a nation perhaps could never be utterly ruined so long as it contained one honest man who dared to speak and publish the truth.**

One may only heartily agree with the baronet when he says this.

Meanwhile in a minor matter Burdett had found another "lame duck" to champion. This time it was not the chairman of a debating society, but merely a certain Portuguese who was in that favorite visiting-place of Burdett, Cold Bath Fields prison. 12 February, 1811, Burdett inquired concerning the truth of a report that a certain M. Coville, a Portuguese, had been arrested by virtue of a warrant signed by Secretary of State Canning, and that he had been nearly two years in Cold Bath Fields in solitary confinement and debarred the use of pen, ink, paper, and books. He wished to know the grounds for the treatment if this report were true. Canning however was not in his place. Burdett promised to repeat his question.***

*PARLIAMENTARY DEBATES, vol. XX, p. 596.
**REFORMISTS' REGISTER, No. 11, p. 169, 7 Dec., 1811.
***PARLIAMENTARY DEBATES, vol. XVIII, p. 1187.

Inquiries were made. The Chancellor of the Exchequer gave notice of moving a committee.* This he did 21 February. The baronet was absent. Folkestone protested because Burdett's question had never been answered. The chancellor insisted however that a secret committee would learn all the details. The committee membership included Burdett and Folkestone, but was composed chiefly of Government men.** 1 March, the Committee made its report through the chairman, and was "unanimously agreed that there appeared to be sufficient ground for the detention of M. Coville." They were of the opinion, however, that the regulations of such a prison were inconsistent with the nature of the confinement, but "from obvious considerations of public expediency" the committee felt it their duty "to refrain from entering the particular circumstance of the case."*** Burdett had raised something which he found it necessary to lay aside, for what reason, or under what persuasion, one knows not. The incident is significant as indication of Burdett's continued interest in Cold Bath Fields and apparent injustice in general.

The question of a reform of Parliament was not entirely dormant in the spring of 1811, although the activity of the previous year was past. A petition for a reform of the "defective state of the representation of the people was presented by Brand. He it was who, in the absence of Burdett in the Tower, had moved for a committee to inquire into the state of the representation, 21 May, 1810. Though his motion had been defeated, the vote must have been gratifying, for there were 115 in favor of the proposal to 234 against it.**** The present petition was from Hertfordshire, "a full county meeting". The House ordered it to lie upon the table but there was no debate.*****

*Parliamentary Debates, vol. XVIII, p. 1241.
**Ibid., vol. XVIII, p. 1249.
***Ibid., vol. XIX, p. 119.
****Ibid., vol. XVII, p. 119.
*****Ibid., vol. XIX, p. 690. 3 April, 1811.

Henry Hunt tells us that "the great question of Parliamentary Reform . . . was fully and freely discussed" at the evening meetings with Cobbett in Newgate. Burdett particularly lamented the cessation of the county meetings for petitioning for reform. Hunt told him that it was a vain undertaking to "petition the corrupt knaves in the House to reform themselves", and suggested instead addressing the Prince Regent. It was agreed to commence with a county meeting in Somersetshire, where Hunt was a property owner, as was also Jones Burdett. Hunt, if we may believe him, spent a great deal of time trying to arouse a sentiment for reform, but the meeting itself was defeated in its purpose by the obstruction of the gentry and their hired "slaves".*

The punishment by flogging in the army was another question to which Burdett returned again and again in these years. His opposition to flogging was forecast, 26 February, 1811, when he supported a motion by Wardle for an inquiry into the case of a man who had been subjected to a thousand lashes.** On this occasion Burdett, apparently, did not wait to vote. Wardle's motion was lost. 25 May, Burdett himself introduced the question in connection with a local militia man. "It was a subject," he said, "which had long and deeply occupied his mind." There had been a general feeling that Government was going to do something about it. But nothing had been done, and now this case made it imperative to consider the subject.*** Cobbett had already praised him for his interest in the subject in two numbers of the Political Register.****

*Hunt, Henry, *op. cit.*, vol. II, pp. 435-465. The whole matter is discussed at length. The meeting must have been held early in the Spring of 1811, though the writer is innocent of month or day.

**Parliamentary Debates, vol. XIX, p. 99.

****Ibid.*, vol. XX, p. 320.

*****Political Register, vol. XIX, pp. 641, 705. Cobbett may very well have inspired Burdett's interest, for the former was in prison on account of his attack on the King's German Legion for suppressing a mutiny of the militia, some of the leaders of which had been severely flogged.

Throughout the decade there had been evidences of the indifferent and callous attitude of many of the officers toward their men. To change the system of punishment, to make even an inquiry into specific cases, was met by the expression of fears that it would injure the morale of the service. After all England was still at war, and though the Napoleonic genius for victory was not to reach again its earlier expression, it was not yet by any means eclipsed. Fear of any change is conceivable; it is difficult to justify the indifference and amused tolerance with which any mention of flogging was received by the House of Commons. But the House then was indifferent when it was not panic-stricken at the mere suggestion of change anywhere in the fabric of administration.

Persuaded to postpone his question with regard to Thomas Taylor, Burdett rose on the 18th of June to move "for an Address to the Prince Regent to restrain and finally abolish flogging". With Cobbett in mind, he said: "There were other reasons which urged him to come forward with it. The press had been treated with uncommon severity on account of mentioning the disgraceful pnuishment. . . . Very severe sentences were passed on two public writers for having (done so) . . . ."*

The parliamentary reporters lost part of the speech, for on a point of order the gallery was cleared. When they were readmitted, Burdett was still speaking. He pointed out that a number of officers had abolished flogging in their regiments. The Duke of Gloucester had found abstinence from flogging had brought an improved morale. The terrors of flogging in the Duke of Cumberland's regiment had proved no use as a corrective. He, Burdett, had been an eye-witness to flogging while confined in the Tower. Young men and old were alike subjected to it; the former because they were new to the service and must learn, the latter because they were old to the service and should know better. The baronet did not mince words or spare the

*Parliamentary Debates, vol. XX, p. 698.

House details of the suffering or the refinements of the lash with which it was inflicted. There was nothing, he considered, in the condition of the West Indian slaves which could be compared with the cruelty of flogging British soldiers.

The English soldiers marched against an enemy whom they knew was never flogged. "How painful," the baronet continued, "must be their feelings to think of their own discoloured shoulders and dishonoured carcases. It was melancholy for them to recollect that if their bodies should be found upon the field of honour, although their breasts might be pierced with glorious wounds their backs would exhibit the cruel marks of disgrace." Yet flogging was not needed for foreign soldiers, even when commanded by British officers.

Government reiterated the old phrases of keeping quiet, not interfering with anything that might keep up the morale. Perceval made a very bitter speech against Burdett.

> . . . The House ought not to put any faith in the statement of the hon. baronet, who had gone about collecting old stories . . . which were uncontradicted and uncontradictable because anonymous . . . God knows where he (Burdett) had got (them) . . . but whether he had derived them from some periodical work which he was in the habit of reading, or from the company which he was in the habit of keeping, he (Perceval) trusted that he would not find in that House a single teller to support him.

Yet Burdett did find a teller, Brougham, and ten other votes to support his motion, though it was defeated by 94 votes.* A week later he called the attention of the House to the case of a man who had committed suicide rather than submit to flogging, and promised that he would next session call the attention of the House to "this important subject."

A month later Brougham brought forward the question of punishment in the Navy. He introduced into his speech one specific case and others which he did not name. Yorke felt concerned

*The whole debate appears in the PARLIAMENTARY DEBATES, vol. XX, pp. 698-710.

about the latter, the mention of which could not lead to any good whatever. But Burdett, wtih a wry smile, perhaps, "thought his honourable and learned friend quite justified in declining to mention names, recollecting that those who complained of any abuse in any departments were certain to fall under the displeasure of ministers."* As if shamed by his remark, the Chancellor of the Exchequer was content to offer an amendment. The amended motion was carried.**

It was not until the spring of 1812 when the third reading of the Mutiny Bill was moved that Burdett again broached the subject of flogging in the army. He now "hoped he should be considered as performing, as was his intention, a duty to the army and to the public at large." He said he understood the necessity of some sort of punishment in the army; he grudgingly admitted that the military rather than the civil arm must do it; nevertheless, he was sure that "there were other punishments short of death and even death itself which might be inflicted more consistently with the character and honour of a soldier, and more consistently with the character and honour of the nation." An officer was not flogged; dismissal was sufficient punishment. But so hateful had flogging become that to dismiss a soldier was considered a reward. In concluding his speech, he found that the only rational foundation of the good conduct of a soldier was the bettering of his condition. He would propose that a clause be introduced into the Mutiny bill declaring flogging should be abolished.***

But Manners Sutton in reply declared there was no reason in the baronet's speech. Though Burdett clearly drew a distinction between flogging and other forms of corporal punishment Sutton insisted on ignoring it; and said that it would totally destroy discipline to do away with corporal punishment altogether. Other speakers who followed him were much concerned that such

*Parliamentary Debates, vol. XX, p. 1032.
**Ibid., pp. 1027-1036, contains the debate.
***Ibid., vol. XXI, p. 1263.

a discussion should have been brought forward at all. Again there is very evident the feeling that what the Commons says and what the Commons does is studied in the world outside. "Let sleeping dogs lie," Government might be saying. Their behavior suggested that they were intimidated by the world outside. Wilberforce, as usual, would not have anything done suddenly. He does not quite like the idea of flogging; but he speaks of what would be "safe" and "better".

Sir Samuel Romilly supported Burdett, as did a Mr. H. G. Bennet. The latter explained he had himself formerly belonged to the first regiment of Foot-Guards. England was alone in retaining this form of punishment; even here the greatest military commanders had relinquished it.* He might have added that abolition of it would remove its use from the hands of those officers most likely to abuse it.

The House divided, rather uselessly, for Burdett's motion was defeated by a vote of 79 to 6.

Not yet discouraged Burdett offered an amendment to the local militia bill three days later. It would have prevented flogging in that service. His amendment was negatived without a division.**

15 April a motion for reports of capital punishments in the army during the previous seven years was made, not this time by Burdett, but by Bennet. Manners Sutton complained in answer that Bennet had not cited cases of abuse. Burdett was ready; he gave many instances of cruelty in flogging; he spoke at greater length than the mover himself; he was aroused.

When he saw attempts . . . made to baffle all enquiry into the actual state of things, and to throw dust in the eyes of the House, he could

*Parliamentary Debates, vol. XXI, p. 1280.
**Parliamentary Debates, vol. XXI, p. 1313. 16 March, 1812.

not sit still and see such despictable chains fastened on the people. . . . Gentlemen on the other side wished to be esteemed religious . . . Yet the Bible allowed 'forty stripes lacking one' . . . was it to be endured that the image of God in man should be thus disgraced.*

Wilberforce this time found it impossible to avoid being carried away "in some measure, by the powerful effect of the statement of the hon. baronet." But he recollected himself, and counselled caution. He dreaded the army, looking to the House of Commons for redress of their complaints. Did Wilberforce fear another Pryde's Purge? Like Sir Samuel Romilly, the reader of his speech is astonished at Wilberforce "who agreeing in the desire to remove the evil complained of still refused to be informed on the subject." Both Romilly and Brougham spoke effectively in support of Burdett's motion. The House divided with the usual results. It was a small House, however, so that the majority for the Government was only 32, while 17 votes were recorded for the motion.**

The abuse is not yet forgotten. It was brought forward by Bennet on 14 July, 1812, but there was little satisfaction gained.***

When the Mutiny bill was under consideration the following year, Bennet moved to insert several clauses: 1) to make it unlawful for any general, commanding officer, or court martial to inflict the punishment of flogging on any troops serving at home. 2) It was to be lawful to flog troops abroad if the punishment did not exceed one hundred lashes. 3) It was to be unlawful for any man who had received part of the lashes to be brought out a second time. Bennet again cited cases to remind the House of the cruelty of the practice.**** Palmerston replied that he

*Parliamentary Debates, vol. XXII, p. 382.

***Ibid.*, vol. XXII, pp. 374-393, contains the complete discussion.

****Ibid.*, vol. XXIII, pp. 1049-50.

*****Ibid.*, vol. XXV, p. 126. 15 March, 1813. Clause #3 concerned what had been discussed the previous July.

would not trouble the House with any observations but would resist the introduction of the proposed clauses.

Sir Francis Burdett expressed his dissatisfaction with the opposition to so slight a modification of the practice. Again he pointed out that experienced and able officers had averred that they never knew a bad man reformed by flogging, whereas they had known a multitude of good ones destroyed.

It might indeed be said that the frequency and severity of the practice had been in some degree subdued; but that was not an argument that would prove the propriety of forbearing from any further attack on a system radically vicious. He would never be content until flogging had been totally abolished.

This time the baronet went further to say:

He thought he could propose a plan which would render quite unnecessary any punishment whatsoever. It was but to adopt in the army a properly graduated scale of rewards in the ratio of merit and length of service.*

In the course of further discussion, Whitbread was more optimistic than the baronet. For one thing, he found that "the temper with which the question has been debated" was a source for congratulation. Twenty years ago he had been told the question should not be mentioned. But now "owing in great degree to Sir Francis Burdett, who had brought the matter repeatedly into discussion, . . . the punishment was in a great degree got rid of." Not entirely, however, for Whitbread cited many instances of it. But he "sat down by expressing his conviction that as by discussion the practice had been brought low, so it would in the end be entirely destroyed."**

The House might debate the subject; the tone of the debate might please an advocate of abolition; but Bennet's clauses were negatived without a division.

*Parliamentary Debates, vol. XXV, pp. 126-128.

**Ibid., vol. XXV, pp. 129-131. A clause to substitute at discretion the punishment of imprisonment for that of flogging had indeed been introduced into the Mutiny Act of 1811. Lord Holland agrees with Whitbread in giving the credit to Burdett. Further Memoirs, p. 102.

In June 1814, Bennet is inquiring about the case of a regimental sergeant who has been sentenced to three hundred lashes, and who at the end of a hundred had lain two hours on the ground in a state of suffering and insensibility. Four days later Manners Sutton was able to give a full explanation of the case and defense of it.*

A year later once more Bennet attempted to move for the abolition of corporal punishment in the army. Once more Burdett supported him strongly. But once more the request for leave to bring in a motion was negatived.** Thereafter, other matters crowded out this interest in the minds of both men. But the practice itself seems to have died a natural death, gradually, first in one regiment and then another.

Burdett did not lead the movement for the abolition of flogging in the army to the exclusion of all else. A number of other questions brought him to his feet in the House. The most dramatic of these occasions occurred at the opening of Parliament 7 January, 1812. The Speaker began the proceedings in the House of Commons by reporting the Address of the Lords Commissioners. It was planned that one Lord Jocelyn should move the Address of Thanks. A Mr. Vyse was to second it. But the well-laid plans miscarried. Sir Francis Burdett, rising suddenly got pre-audience over Lord Jocelyn.*** There was a loud cry for Lord Jocelyn, from all parts of the House, so loud that Sir Francis could not be heard; but he kept his feet and at length the Speaker said the honorable baronet was certainly in possession of the House, and if he insisted, must be allowed to proceed.****

Burdett did insist and did proceed. If we may believe the baronet, it was a great occasion when he intended to address his

*Parliamentary Debates, vol. XXVIII, pp. 131, 261.
**_Ibid._, vol. XXXI, pp. 918 _et seq._, 940.
***Colchester, _op. cit._, vol. II, p. 351.
****Political Register, vol. XXI, p. 33.

royal highness the Prince Regent "in the language of truth"; and this "seemed to him to be imperiously and peculiarly called for. . . . to tell him what were the feelings of the people in these kingdoms at this present moment. He was conscious of discharging a duty of the most important kind, both to the Prince and to the people." As Burdett warmed to his subject he grew eloquent, until he was back upon the old theme of the years before his imprisonment. He talked of the House as "the supposed representatives of the people of England". When this received the familiar cry of "order, order!", Burdett replied that nothing could give him greater pleasure than to hear that from the Chair, since it proved that there was a firm conviction that the House of Commons ought to represent the people of England. Burdett proceeded to point out all the failures of the Government: the distress of the times; the foreign policy whereby, for eighteen years, Government had supported the absolute rulers of European states; the exorbitant taxes made necessary by that foreign policy; the militarism which was much more than that of an army; the interference with the rights of private property, and with free speech. Indeed he said:

> a system of terror was resorted to; false alarms were excited; spies and informers were hired; plots were invented; constructive treasons were revived and new-fangled treasons were enacted. . . . Under the operation of this system we have beheld much that remained of our liberties wholly swent away.

And the remedy?

> To put an end therefore to corruption and abuses by a reformation of the Commons House of Parliament appears to us to be the only means of reconciling the people to their Government, of rekindling their zeal, of invigorating their exertions and of insuring the independence of the country, and the safety and stability of the Throne.*

Lord Cochrane seconded Burdett's address. But Ponsonby and Whitbread, the latter especially, often supporters of Burdett, found they could not support him. Lord Jocelyn was compelled to offer his address as an amendment to Burdett's. There was

*Burdett's speech and the Address, PARLIAMENTARY DEBATES, vol. XXI, pp. 18-31.

little debate. When Burdett's address came to a division, he found but one supporter, a Mr. J. R. Cuthbert, in addition to Lord Cochrane, who acted with him as a teller; while 238 voted against it. The "amendment" of Lord Jocelyn was carried without a division.*

Abbot describes Burdett's speech as "long, desultory, violent and miscellaneous . . . very wicked and very foolish."** The "venal prints", as Cobbett calls the COURIER and the MORNING POST, condemned it wholly. The COURIER considered it as the behaviour of a man who lacked a "sound understanding" and who had "a love of singularity; a desire of advancing and maintaining strange doctrines." It was an "unprecedented incident." And to be unprecedented, one thinks, was sufficient to damn it for Government and the Government press organs.

Cobbett, however, was delighted; as well, apparently, as many others. The Address was immediately printed. Before the end of February 28,000 copies had been sold.*** But very few newspapers printed it; and this, writes Cobbett, points to their recognition of its truth and their wish to suppress it.****

In Burdett's long list of grievances there was one in particular to which Cobbett in his REGISTER gave great publicity. This was the presence in England of German troops and German officers. Of this Burdett spoke both in the speech introducing the Address and in the Address itself. It was a major point. In his speech he said:

> Military possession was taken of the country; depots and barracks and fortifications were formed; the mercenary Germans and foreigners were scattered over the kingdom, as if the English could not defend themselves, and must have recourse to Germans who had not been able to defend their own country.*****

*The subsequent speeches and division, PARLIAMENTARY DEBATES, vol. XXI, pp. 31-49.

**Colchester, *op. cit.*, vol. II, p. 351.

***POLITICAL REGISTER, Report of the publisher, John Morton, 25 January.

****Ibid.*, vol. XXI, p. 282.

*****Ibid.*, vol. XXI, p. 22.

In the Address the following reference occurred:

> Mistrustful of Englishmen's feelings many thousands of German and other foreign mercenaries have been introduced and placed upon our military establishment with privileges not possessed by troops of our own country; whole districts of England and large portions of the English Army have been put under the command of German officers; and, the more effectually to estrange the people from the native soldiers, the latter have in many instances, been compelled to assume the German garb.*

These statements brought a protest from a German officer. He objects strongly to the epithet of Mercenaries. They are Hanoverians, born subjects of the same king as Englishmen. In writing to the TIMES he feels sure of a hearing for his complaint.**

Cobbett was delighted to point out that the "impartial" TIMES published this attack on the Address, while managing to suppress the Address itself. Cobbett follows with a long discussion of the presence of German troops in the British army. He states four propositions made by Burdett, and — what Burdett did not do — proves his statement with citation of facts.***

The way in which Burdett attempted to ferret out corruption, and the method by which Government countered these attempts is well illustrated by the question of nightly watch and the police of the metropolis. Richard Ryder, Home Secretary, moved for a committee to inquire into the state of affairs on 18 January, 1812. Burdett was pleased; and in the course of the debate said he would move for a list of police magistrates and their qualifications, for he thought abuses had crept into the police department. When the committee was named Burdett was of its number.

Accordingly on the 21st a list of the names of the police magistrates was moved and ordered. The list was to specify what

*PARLIAMENTARY DEBATES, vol. XXI, p. 29.
**THE TIMES, 14 January, 1812.
***POLITICAL REGISTER, vol. XXI, p. 100 *et seq.*

counties they were in, what their qualifications were, and, most important to the inveterate critic of the System, whether they held any office under Government or had any pension for themselves or their wives from the Government. The secretary's motion was become a boomerang. Eight days later, Ryder moved that that part of the order which required what the qualifications of police magistrates were should be expunged. He said he had sent word to Burdett, but the baronet was not in the House. Ryder's motion passed.

31 January Burdett, who owing to absence from home had not received Ryder's note, was in the House and moved that that part of the order which had been rescinded should be re-instated. Ryder opposed this. The information, he said, could be secured only from the magistrate himself, and if he were acting without qualification, he would incriminate himself in his returns. And why not? one must ask. But Burdett did not reply. Whitbread defended the baronet's motion, but Government was supported by 57 votes to 7.* Once more an attempt to search out and correct abuse was frustrated. But Burdett never seems to lose interest in the cause of the minority.

In the following month he had the distinction of giving the single dissenting vote on a proposal of a grant of money to Wellington for his services in the Peninsula. The baronet could find no reason for such a grant, thinking that Wellington was to have been expected to accomplish much with the force at his command. He thought the French general had done much more than Wellington, considering the comparative strength of the two. It was impossible for the critic to grow enthusiastic over any matter concerned with the war. Members might cry "hear, hear!" again and again, the baronet could not be carried away. If the people of England were to pay so dearly for such advantages as [Wellington's successes] were called, the sooner that war was over the better. He was decidedly hostile to the war as a cheat upon the country, professing as it did to be for other objects while it really went to support bigotry and despotism. . . . It was notorious that wherever the English

*Parliamentary Debates, vol. XXI, pp. 196-222, 239-240, 401-405, 482-489.

had power in Spain, the Inquisition was established; wherever the French had power that detestable institution existed no longer. Was that the kind of liberty which Englishmen were called upon to maintain with their blood and treasure? . . . The strongest and most insuperable objection remained situation of this country could be seen through it, what a mass of human behind—the state of the people of England.

Burdett described their state and concluded by declaring:

The object of this grant was to confer additional splendour on Lord Wellington. If this splendour were transparent as well as brilliant, if the situation of this country could be seen through it, what a mass of human misery it would disclose.*

Although Burdett spoke at this time of the misery of the people there is no mention in his speeches either in 1811 or in 1812 of disturbances which have since become known as the Luddite riots. The first of these frame breakings occurred in March 1811. In the closing months of the year there were numerous similar outbreaks. From the Midlands the blind resentment of the populace spread to Lancashire and Yorkshire.** In the face of violence Government was moved to its accustomed remedy: repressive legislation. 14 February, 1812, a bill was introduced for the more exemplary punishment of frame breakers. The bill which rapidly passed through its necessary readings and became law, 20 March, made frame breaking a capital felony. It was on the subject of this bill that Byron made his maiden speech in the Lords 27 February.*** In the course of it he said the bill could be enforced only by twelve butchers as a jury and a Jefferies for a judge. Burdett, who had not himself taken any part in the proceedings in the Commons, is supposed to have said of Byron's effort that it was "the best speech by a *Lord* since the Lord knows when," but Byron wrote that this was probably from a fellow feeling in the sentiments.****

*Parliamentary Debates, vol. XXI, pp. 869-883. 22 February, 1812.

**An authoritative account is in Hammond, J. and B., The Skilled Labourer, ch. IX, X, XI.

***Parliamentary Debates, vol. XXI, pp. 966-972.

****Byron, Letters and Journals (Prothero ed.) vol. II, p. 105.

When the Government hinted at conspiracy and organized systems of violence in June, Burdett was disturbed, fearing a suspension of *Habeas Corpus*. Prepared to find organized conspiracy, a secret committee found what they chose to consider ample evidence in a "large sealed package of papers". Burdett expressed disapproval on the day of the report; and when, two days later, Castlereagh founded a bill on the report which would increase the powers of the magistrates in the disturbed counties, Burdett insisted that the disturbances were not increasing as had been asserted, and that the laws as they then stood were perfectly adequate to the necessity.* In the debate on the second reading of the bill, he was more emphatic. "He was," he said, "no friend to extreme measures; it was common for bad governments to push matters to extremities, and then make those very extremities a ground for extraordinary measures. . . . As to the present bill he disliked it altogether. . . . Instead of calling it a bill to preserve peace; it ought to be termed a bill to disturb the peace, by giving undue power to the magistracy."** The suggestion which had been hinted at that Whitbread had been connected with the fostering of the riots appeared ridiculous to the House as the baronet knew. But he said it was not ridiculous in the country for "the ignorance and blindness of the people in the country is astonishing." It could not have been more astonishing than that Burdett made such a statement. How is one to account for it? Seemingly, by the fact that Burdett had no interests in industry and did not live in close connection with any phase of it. His career, looking back on it, appears to the reader to have been concerned chiefly with abstract principles. He was a political theorist and reformer. The economic conditions simply did not touch him. He, a landed gentleman, had little if any sympathy for the distinctly labouring class.

Cobbett, on the other hand, was deeply impressed by the Luddite disturbances.

*Parliamentary Debates, vol. XXIII, pp. 795, 951, 956, 970.
**Ibid.*, vol. XXIII, p. 1007.

Hitherto he had written mainly with the agricultural labourers and the Westminster artisans in mind. The riots drew his attention to the great new industrial populations of the north and midlands and showed the possibility for enlisting them in the struggle for reform. Henceforward there is a change in the manner of his writing: more of a distinctly working class appeal is apparent. The change does not develop for a while yet . . . (but) Cobbett, the political reformer, is beginning to change into Cobbett, the leader of the working class agitation.*

It was a change which a number of the reformers were to undergo in the next few years. And it was this very change which Burdett did not make, and which gradually separated him from the reformers.

Castlereagh's bill passed 20 July without further comment from Burdett. Perhaps he was preparing for his venture of the 28th. On this day he moved an Address to the Prince Regent on the State of the Nation. In his speech introducing the motion, he said he thought there had never been a time when public grievances were greater. The dangers, both foreign and domestic, were of various kinds. In discussing them he came to the perennial question of the constitution.

. . . The invasions of the common law had been frequent, and the most dangerous symptom was the hostile manner in which judges construed the law. . . . The danger was peculiarly great where the liberty of the press was concerned. . . . (on financial matters) Government should have been taking steps to save money instead of raise it.

One terribly exhausting expenditure was involved in the practice of giving pensions to all sorts and conditions of foreigners. The greatest grievance, he said, was

the assumption by the House of Commons of the whole of the powers of the State, by which the Crown instead of being supported was overawed by the people. . . . The House of Commons, a borough monger faction, erected itself into an odious oligarchy, and usurped all the powers of the three branches of the Constitution. . . . What was the remedy? He was sure that those who put the question could themselves answer without prompting: Parliamentary Reform.**

*Cole, *op. cit.*, p. 180. *Cf.* Cobbett's articles on the Luddites in the POLITICAL REGISTER, vol. XXII. *Cf.* also, Hunt, *op. cit.*, vol. III, pp. 44-8.

**The address and the speech are in the DEBATES, vol. XXIII, p. 1262, *et seq.*

The Address thus introduced re-stated most of the grievances and called for a constitutional reform in the Commons. The conclusion represented fairly well Burdett's idea of reform.

> We beg leave to humbly represent to your Royal Highness that those only deceive you who pretend that this country can be brought to safety and content except by redressing the grievances of the people by strictly applying the public money to public services alone, by extending the benefits of the Constitution to the people of all religious persuasions without distinction; above all by restoring to the people their undoubted rights, claimed, demanded, and insisted on, but unfortunately, not established at the Revolution, amongst which the chief and paramount is, the free choice of their representatives in the Commons House of Parliament—on the restoration of which, we are firmly persuaded, mainly depends the stability of the Throne, the independence of this country, and the liberty of the people.

In the DEBATES, one sentence follows: "The motion not being seconded, was lost, of course." Yet the proposal was not revolutionary, it was not new or strange. It consisted of the maintenance of the constitution in its broadest meaning, and a return to the Revolution of 1688 in order to establish what had then been intended, but which party faction and corruption had prevented. This was the burden of Burdett's endeavor in 1812; this had been his demand in 1797; this would be his demand in 1817.

Prorogation of Parliament two days after Burdett's declaration of principles was followed by dissolution 29 September. Perhaps it was in anticipation of this that the Address had been moved. Burdett had probably been aroused too by the release of Cobbett the previous 9 July.

A week before this, a group of "friends to a free press" had planned a dinner on the occasion of Cobbett's release. It was held at the Crown and Anchor tavern, with Sir Francis Burdett in the chair. Cobbett repliied to a toast by commenting on the conditions of Newgate and urging the aid of the group to a man who was in a position similar to what his had been. When Burdett was toasted, "there was a most unbounded mark of approb-

ation, many of the company waving their hats and handkerchiefs for several minutes."* He spoke at length particularly of the cherished freedom of speech and of the press.

Another incident which may have stirred Burdett to action was the death of Horne Tooke 28 March. Burdett's mentor was gone, but there is perhaps significance in the fact that Bentham wrote to a friend 9 July that ". . . Sir Francis Burdett is still upon my hands, for a dinner that he has been wanting to give me, any time these six weeks offering to have anybody I will name to meet me." Bentham it seems is not overanxious but Burdett "being the hero of the mob, and having it in his power to do a great deal of harm as well as a great deal of good and indeed having done a good deal already, must not be neglected."** Bentham's ambiguous statement may mean that Burdett had done good, or bad. A year before he had written to Burdett to inform him of the error of his ways.***

It was this spring, too, that Burdett first met the young man who was later to be his colleague for Westminster. This was John Cam Hobhouse. The first meeting was at a coffee-house 2 May.**** The acquaintanceship was of rapid growth, for on the eve of Burdett's motion, Hobhouse was his guest at dinner.*****

Another reason for Burdett's Address was the change that had come in the ministry. 11 May, Perceval was assassinated.****** Two days later the baronet rose not to oppose any-

*Place Papers, Guard Book, (Newspaper clipping without name of paper or date.) Seligman Library, Columbia University. Cf. also, Political Register, vol. XXII, p. 92.

**Bentham, Works, vol. X, p. 471.

****Ibid.*, vol. X, p. 460.

****Broughton, John Cam Hobhouse, Lord, Recollections of a Long Life, vol. I, p. 38.

*****Ibid.*, vol. I, p. 43.

******There is a concise, yet graphic, account of this in Parliamentary Debates, vol. XXIII, pp. 165-167.

thing but "to express his horror at the assassination. . . . It was natural, and indeed ought to be so, for such a feeling to put an end, for a time, to every difference of opinion." But Burdett on this occasion, before many members had recovered from the shock, added that "he by no means precluded himself from taking any line of conduct which he might feel it to be his duty to take, after they got into the committee [of the whole] when he heard the amount of the grant [to Perceval's family] to be proposed."*

On the matter of the grant to the widow, Burdett did not speak. When the question of a grant to the heir [a son] of Perceval was debated, Burdett took his line. He said "he could not forget the large sums received from sinecures by Mr. Perceval and other members of his family. He saw strong reasons for doing what compassion to his family had required . . . but he was obliged to oppose anything farther."**

When a motion for a strong and efficient administration was made, Burdett expressed his opinion that "no change of men could give satisfaction or security to the country without a change of system altogether." He had seen in the last fourteen or fifteen years every kind of administration, every type of man, all the talents and no talents at all, Mr. Fox and Mr. Pitt. They had only brought the government into greater and greater difficulties; nothing could be accomplished until there was a fair and free representation of the people. He read an amendment to the proposed address emphasizing the need for a reform of Parliament.***

*Parliamentary Debates, vol. XXIII, p. 186.

**Ibid., p. 246.

***At the session immediately preceding Perceval's assassination, Mr. Brand had moved a reform and had secured 88 votes for it. Parliamentary Debates, vol. XXIII, pp. 99-161.

During the summer, while negotiations for forming a new administration continued, the questions of the relations with the United States was before the House. The revocation of the Orders in Council was announced 23 June. Brougham who had been urging this, congratulated Government, but Burdett remarked significantly that he thought the impressment of seamen was a more troublesome factor in keeping strained the relations with the United States.*

This year, 1812, Burdett reentered the lists as the champion of prison reform. Sir Samuel Romilly and Brougham each presented a petition from a prisoner in the prison of the Castle of Lincoln.** Sir Francis Burdett presented one from a prisoner in Lancaster castle.*** But when, five days later, he rose to present petitions from several other prisoners, the House refused to receive them.**** This was at the beginning of June. On the 25th Romilly moved a committee to inquire into the state of Lincoln Castle gaol. Castlereagh decried the practice of appealing immediately to Parliament but would accede to the motion since the magistrates were anxious for the inquiry.*****

Sir Francis Burdett rose on this occasion to speak in general of the gaols throughout the country. He was glad Lord Castlereagh had spoken of a general inquiry, but he hoped it would not be of the kind that had been made into the state of Cold Bath Fields.****** He warned the House that early in the next session he would call to its attention the question of solitary confinement.

The committee on Lincoln Gaol got into difficulties, because the Assizes were coming on and prisoners could not come up to

*Parliamentary Debates, vol. XXIII, p. 720.
**Ibid., p. 316.
***Ibid., p. 396.
****Ibid., p. 485.
*****Ibid., pp. 750-766. Hunt, *op. cit.*, p. 68 *et seq.*
******Cf. ante*, p. 16 *et seq.*

testify. It was requested that the committee for this reason be discharged, and an Address be made to the Prince Regent to appoint a Commission for the purpose.*

A motion of a like nature made by Burdett for inquiring into Lancaster Gaol, was withdrawn on the assurance that some inquiry would be made by Government.** In December, 1812, Burdett reopened the attack on the prisons by presenting a petition from Ilchester prisoners. In this speech, Burdett resorted to drama, though his critics might rather call it *opera bouffe*.

> He would shew them (members of the House) one of the loaves which had been sent him from Ilchester, and which was the whole allowance of one man for a day. (Here the hon. baronet drew forth a little loaf from his pocket, and after holding it up for the inspection of the House, he dashed it indignantly on the floor, and it rolled towards the Treasury benches, where it was picked up [small morsel] by one of the members. Mr. Burke (continued the baronet) had once thrown a dagger on the floor of that House to produce effect, but he had produced something which was real, and not from the mere impulse of the moment. He would ask whether such a pittance was enough to sustain life? . . .***

But in conclusion, what could be done? Burdett could only move that the petition be received, and this was permitted, though Palmerston thought the baronet should have waited for a fuller attendance before presenting it.

The little loaf rolling across the floor of the House, stuck in the minds of the members. But Burdett remained silent. At last in March, 1813, he was asked if he intended to proceed further. But no, Burdett said his time had been much taken up, and the causes of complaints of the petitioners had been removed.**** He

*Parliamentary Debates, vol. XXIII, pp. 926-928.
**Ibid., p. 895-904.
***Ibid., vol. XXIV, p. 341 *et seq.*
****Parliamentary Debates, vol. XXIV, p. 1191, 9 March, 1813.

had played the great Burke, he had rolled the loaf, and it had apparently had the desired effect.

More than a year later Whitbread and Burdett attempted to secure a committee to look into Cold Bath Fields prison conditions. Romilly supported the idea of a general investigation, fearing that general powers given the Secretary of State under the Alien Act had been abused. But the motion on a division that had been postponed for three days, was lost.* The baronet also supported a motion for investigation made by Bennet in 1817.**

The dissolution of Parliament, 29 September, 1812, brought a general election. Burdett and Cochrane were returned unopposed for Westminster, although throughout the country, the supporters of the ultra-Tory administration of Lord Liverpool were returned by large majorities. Since there was no contest in Westminster, there is little history. The usual meeting of the electors was held at the Crown and Anchor on 5 October. Again Burdett did no campaigning. The chairman of the meeting said he [Burdett] "considers it the duty of the electors to look out for, and support such persons as they think best calculated to represent them and not the business of candidates to push themselves personally forward."*** Resolutions were adopted which declared the support of Sir Francis Burdett and Lord Cochrane.

There was some hesitation with regard to the latter. Although he had sent two letters to the meeting to solicit their support, it was known that he was thinking of sailing the seas again. Cartwright suggested that Lord Cochrane should resign his seat were he to be ordered abroad with the navy. After some debate this was agreed on.

*Parliamentary Debates, vol. XXVII, pp. 999-080, 007-1010.

**Ibid.*, vol. XXXV, p. 990. 12 March, 1817.

***Political Register, vol. XXII, p. 450. 10 October, 1812. A similar attitude in 1818 was not to be so tolerantly accepted. Cf. *post*, pp. 202-3.

Having been selected by the electors, the baronet issued an election address.* He hoped it was not "the hackneyed style of congratulation and profession usual on such occasions . . ." Sorrowfully he points out that he cannot congratulate the people on an opportunity to redress their manifold grievances for no such opportunity is or is intended to be afforded the people. The burden of the speech is the extreme extravagance of the system of sinecures and pensions. It is almost a pessimistic address concluding with the familiar cry of reform of Parliament. The reform Burdett sets forth as "*Annual Parliaments and Free Elections.*" "These," he adds, "are the vital principles of the constitution."

The first speeches of Burdett in the new parliament concerned the war. They were occasioned by the proposal of a vote of thanks to Wellington for the victory of Salamanca in the Peninsula and the request from the Prince Regent for a grant to the general. The baronet made this the occasion for a general criticism of the war. Things were *not* going well, he said. "Wellington won victories—and retreated. The ministry could not keep the army supplied. The siege of Burgos had completely failed. Every advantage secured brought only calamity and distress. . . ."** On the matter of the grant Burdett wished to know two things: whether the Marquis Wellesley had done anything to deserve it, and secondly where the money was to come from. Burdett was a realist. If they were going to pay the Marquis, why not take it from the enormous resources at the disposal of the Crown. But this of course was not done.***

The winter of 1812-13 was a hard one; as indeed what winter was not hard for the great mass of the people. No wonder then that Sir Francis considered it an insult that the Prince Regent should request relief for the starving Russians. He found that

*Patterson, *op. cit.*, vol. I, p. 321.
**Parliamentary Debates, vol. XXIV, p. 162.
****Ibid.*, p. 206.

there were starving people at home, and relief should begin with them. Whitbread agreed; Burdett rose the day after to answer speeches of Castlereagh and Bathurst in favor of the grant. He said "he had heard the word 'peace' [from Castlereagh] with great pleasure. If it were a permanent and honourable peace that the grant might secure he should vote for it with pleasure." But he was led to believe it would not do this. "He did not understand the generosity that sympathized only with the distresses of other countries. . . . We had to maintain the French Loyalists, Dutch Loyalists, American Loyalists, but could not help the necessitous among our own people."*

On questions concerning the Prince Regent and the Princess of Wales, Burdett spoke several times during the Spring. But he kept to familiar Opposition ground. In one case he would increase the powers of the Prince Regent**; in the case of the guilt or innocence of the Princess he questioned the constitutionality of the Commission which had made the investigation.*** The public was always interested in the latter, and they linked Burdett with the defence of the Princess. A meeting of the Livery of London and one at Westminster carried votes of thanks to the baronet.**** Cobbett heartily sympathized with the baronet's sentiments on the question, they were expressed in a letter which he sent to the Westminster meeting.***** At this time Burdett and the Oxfords were among the most prominent members of the Princess's circle which every day, in response to her husband's displeasure, was growing smaller.******

Of parliamentary reform agitation during the years 1811-1814, there is little to be recorded. Popular desire for it was almost

*Parliamentary Debates, vol. XXIV, p. 334.
**Ibid., pp. 706-726, 23 February, 1813.
***Ibid., vol. XXV, pp. 142, 277, 462.
****Political Register, vol. XXIII, pp. 545, 609. 10 April, 1813.
*****Ibid., p. 615. It is also printed in Patterson, *op. cit.*, vol. I, p. 326.
******Lady Charlotte Campbell, Diary of the Times of George IV, vol. I, p. 215.

non-existent; but there are scattered indications that the matter was not completely crushed. The old leaders were arranging dinners, speeches, and associations to excite interest in what Cobbett called the *"all-in-all"* question. In 1811, Major Cartwright was actively attempting to get a group of like-minded men together. Fourteen interested persons, eight of whom were members of Parliament, met to agree on a program.* As a result Brand and Burdett, whom Cartwright had been anxious to bring together** were in complete agreement. A second meeting was held. Both of these were preparatory to a dinner-meeting which was held 10 June, 1811, at the Freemason's Tavern. Cobbett — in Newgate at the time — had high praise for it. "Reports of the proceedings exhibit a very lively picture of the interest excited. . . . There appears to have been great freedom of discussion. The gentlemen assembled evidently were men in *earnest*. It was not an assemblage of *dull, stupid, packed* people . . . but a meeting of men . . . free to follow the dictates of their own minds."***

The men at the dinner were perhaps inspired to attempt to stir the provinces to action, but so far as appears, they were able only to secure occasional petitions for a reform in the spring of 1812. Between January and April, such petitions were presented from Bolton, Preston, Caithness, and from the county of Essex.**** These were received without debate. On the second of June, 1813, Lord Cochrane presented one from certain persons in Manchester to register a complaint that foreshadowed the events of post-war years. They had been ill-used, falsely imprisoned, and maliciously prosecuted while peaceably assembled to petition Parliament for reform. Bathurst opposed receiving the petition, but he was overruled, and it was received.*****

*Political Register, vol. XIX, p. 1516.
**Cartwright, *op. cit.*, vol. II, p. 1.
***Political Register, vol. XIX, p. 1458.
****Parliamentary Debates, vol. XXI, p. 376; vol. XXII, pp. 29, 108, 1090.
*****Ibid.*, vol. XXVI, pp. 527-528.

On the last day of the same month, Burdett presented a petition from Nottingham. The petition was printed and therein a departure from the accepted practice. Burdett defended it and hoped that it might be received even though it was printed. "If any resolution of the House on record sanctioned (such an objection) . . . it ought in his judgment to be rescinded by an assembly the doors of which according to the declaration of the Speaker ought be thrown wide open for receiving the petitions of the people."* Abbott however said printed petitions had been uniformly rejected and an attempt to change the practice had failed in 1793. Burdett promised to bring the question of printed petitions before the House in the next session. Also the baronet felt it his duty to divide the House on the question of receiving this petition. It was rejected by 75 votes to 13. The thirteen names in the minority on this question perhaps constitute the Radical party in parliament in 1813.** Among them were Brand, Bennet, Lord Ossulton, the Marquis of Tavistock, whose reform ideas Major Cartwright had been fostering in 1811, C. C. Western, and Whitbread. Burdett and Cochrane were the tellers.

A group of questions which interested Burdett during these later war years, concerned naval matters. Indeed, it now hardly needs to be pointed out that minor matters make up the bulk of his parliamentary interests. In March 1811, the baronet advocated an investigation into complaints brought against the admiralty court.*** In April, 1812, he protested against the reduction of the salaries of the clerks in the Navy Office. This seemed to him particularly hard since they had purchased their offices and were thus practically swindled out of their money.**** Supporters of Government as usual said "hush!", lest the clerks become dissatisfied. And Burdett's motion for an investigation

*Parliamentary Debates, vol. XXVI, pp. 993-997.
**Harris, *op. cit.*, pp. 111-112.
***Parliamentary Debates, vol. XIX, p. 490.
****Ibid.*, vol. XXII, p. 408.

was defeated. At the end of the year he asked Castlereagh whether anything had been done for the clerks. Castlereagh couldn't say but was sure justice would be done. Burdett was not so sure.*

In 1813, it was a question of the necessity of an increase in the allowance for the mess table of naval officers. He was put off with a statement that government was about to make a proposal.** When four months later nothing had been proposed, Cochrane brought in a motion, which Burdett supported in the face of strong opposition from Croker, whose speech was frequently interrupted by loud cheering. But, as Cobbett wrote, loud cheering is no refutation of a statement.*** But he might have added that one can nevertheless be put down with noisy clamor, unless one was Burdett; *he* does not seem to have been disturbed by clamor at any time.

Indeed in spite of Cochrane's motion having been defeated, Burdett made a motion to make the collection of seamen's wages and prizes easier. Again Croker was opposed, and again the motion was defeated.****

In 1814 and 1815 Burdett was ostensibly attempting to save the lives of seamen through the adoption of a safety device for them. On the second occasion members said the plan he advocated was being adopted.*****

In 1816, he defended the clerks in the Admiralty office against the charge that their wages were too high. He also put in a word for midshipmen who he believed were not always promoted when a sufficient term had been served.******

*Parliamentary Debates, vol. XXIV, p. 348.
**_Ibid._, vol. XXV, p. 88.
***Political Register, vol. XXIV, p. 33.
****Parliamentary Debates, vol. XXVI, p. 1155 *et seq.*
*****_Ibid._, vol. XXVII, p. 867; vol. XXVIII, pp. 861, 874.
******_Ibid._, vol. XXXIII, p. 475.

These questions regarding the navy brought Cochrane and Burdett into close cooperation. Indeed the two men had worked well together since Lord Cochrane's election for Westminster in 1807. It is evident from both his autobiography and his behavior that Cochrane had not then intended to devote himself to a life in Parliament, to a public life of continuous minority. Burdett, on the other hand, must by this time have committed himself to just that. Give him a losing cause, a mistreated man, an act of injustice, and he was at once a champion. Nevertheless, though the two men were unlike, the disgrace and expulsion from Parliament of Cochrane in 1814 must have been a source of concern to the baronet. The stock market hoax is so thoroughly discussed in many sources that it does not seem necessary to enter upon it here.* 27 April a Grand Jury returned a true bill against Lord Cochrane, A. Cochrane Johnston, and five others for conspiracy to defraud. Parliament took notice of it, and Cochrane was heard in his own defense 5 July, 1814. It was on this occasion that Burdett first spoke on the question, although it had been under discussion at intervals since 10 June.

Burdett defended Lord Cochrane's behavior at his trial before King's Bench, and his innocence of the charge of conspiracy. Nevertheless the baronet's speech on this occasin sounds as if he believed Cochrane guilty. He said that the great services of the Lord "ought to have protected him even if he had been guilty,"—which he (Sir Francis) *said* he did not believe.**

*The matter is explained in detail in Political Register, vol. XXV, p. 353 *et seq.*; Dundonald, [Cochrane], Autobiography of a Seaman, vol. II; Allen, Joseph, Life of Lord Dundonald, p. 226; Patterson, *op. cit.*, vol. I, pp. 329-356, devotes a whole chapter to the stockmarket hoax and Cochrane's trial. All four accounts are however in Cochrane's favor, maintaining he was an unwitting accomplice in the affair.

**Although Patterson says "Sir Francis Burdett was throughout a believer in the innocence of Lord Cochrane", he quotes a letter written by Burdett which may imply that belief but certainly does not state it. Patterson, *op. cit.*, vol. I, pp. 340, 341.

By Government's majority, Cochrane was expelled from the House of Commons. As part of his sentence Lord Cochrane was to stand in the pillory near the Royal Exchange for one hour. A motion was made that the Prince Regent be addressed that the pillory be remitted. Burdett had something to say on that subject which drew an attack from the Attorney General. However all this was aside from the question. On the assurance of Castlereagh that the Crown was going to remit the pillory, the motion for an address was dropped.

Well might Government hesitate about having Cochrane stand in the pillory. The temper of the populace would be easily aroused. From the first denouement of the hoax, Cobbett had defended both Lord Cochrane and Cochrane Johnston. His arguments are amusing. They were radicals, therefore they must be innocent. But if they had actually been the contrivers of the hoax and had actually profited by its succcess they would not be chargeable "if all gambling be not immoral".* Still another irritant to public feeling was Cochrane's expulsion from the House. Plans were immediately made for a meeting in Palace Yard, that is, at the doors of the House, for the purpose of nominating a representative for the city of Westminster. The meeting was held July 11. Burdett came forward amidst the loudest applause to tell the crowd that the High Bailiff had not read a letter Cochrane had written to the meeting, but "it was not surprising. . . . At a time when libel was an offense so undefined in its nature, no man knew when he might be speaking or writing libels." Regarding the pillory Burdett said: "He should say if Lord Cochrane was to stand in the pillory, he should feel it his duty to attend also. (Loud shouts of applause which lasted for many minutes.) It appeared to him that instead of destroying Lord Cochrane . . . [it] would destroy the punishment of the pillory for the future." The meeting after this resolved that Lord Cochrane was innocent, that he be put in nomination,

*Political Register, vol. XXV, p. 353.

and that the expenses be defrayed by the electors.* Surely Government had not forgotten the affairs of 1810, or even the excitement of the election of 1807.

The news of the end of the war and of the death of Napoleon which had been devised to affect the stock market was fraudulent and premature, but the last battles were being fought on the continent and at the beginning of March negotiations with Napoleon were undertaken by the Allies. These negotiations and the gazettes from day to day were the chief interest of the House and of the public until the end of the session. Burdett seems to have been indifferent to it all. He made no comment in the many debates. Aside from his interest in the case of Cochrane, he was interested in men who had been imprisoned for debt, and was attempting to correct the practice.** He presented a petition on the subject immediately before the Usher of the Black Rod appeared at the end of the session.

There is no record of Burdett's having spoken between the opening of Parliament, 8 November, 1814, and 10 March, 1815. The war was over so far as anyone could know; perhaps the baronet felt the reaction though there has been little in his public speeches to indicate that he had been deeply affected by the war except as it gave Government an opportunity to perpetuate the "System". Burdett was a domestic reformer; he was at all times a landed country gentleman. This perhaps accounts for his comparative indifference to Continental affairs. Hobhouse and he grumbled about life, we are told, in the summer of 1814; and when the Allied Monarchs visited London in August, Burdett, Hobhouse and their friends were dreadfully bored with the firework display in celebration of the event.***

*There is a complete account of the meeting and the speeches in The Times, 12 July, 1814. Cf. also, Dundonald, *op. cit.*, vol. II, p. 436.

**Parliamentary Debates, vol. XXVIII, pp. 826, 879.

***Broughton, *op. cit.*, vol. I, p. 160.

But the public, and with the public Burdett, became aroused in the spring of 1815 by the fact that Government planned no immediate retrenchment but rather an increase of the tax burden. The two proposals which were particularly irritating to many were a new corn bill and the renewal of the property tax. Burdett had expressed his opposition to increased taxation on capital as early as 5 August, 1812, at a meeting of the electors of Westminster. Here a number of resolutions opposing the mooted tax were suggested by Major Cartwright and adopted. The arguments of one speaker who attempted to oppose the Major were completely refuted by Burdett. His point that the war must be won before the public troubled about domestic concerns was an old and stale device to turn the attention of the people from their domestic grievances to their foreign dangers. So said Burdett, and so thought Cobbett who reported the speeches.* But the device was successfully used. The war, in 1812, had become popular: it was profitable to the producers, and the brilliant fallacy of patriotism had won the support of the oppressed masses. Although, as we have seen, there was always dissatisfaction with the war and the condition of the people, it was after all only a ripple in the sea of calm, stupid acceptance of the system by a majority of men. Burdett's chief function during the years of calm was to keep at least a ripple moving.

But now the war was over. The force of emotion which had spent itself vicariously on the battle fronts no longer has that outlet. It may be expected that a storm will brew at home. From December 1814, throughout the winter and spring Burdett was connected with many public meetings on the subject of taxation. 29 December, such a meeting was held at Palace Yard. Burdett was prevented from attending by a heavy fall of snow.** But Cartwright, who was in the chair, praised the absent baronet for "his dignified assertion on all occasions of the rights and liberties of his countrymen. He (Cartwright) is fully assured

*Political Register, vol. XXII, p. 205.
**Ibid., vol. XXVI, p. 858.

that when the country shall generally listen to his patriotic voice, those rights and liberties shall be speedily restored."* The meeting adopted resolutions not only to oppose the proposed income tax, but also to set forth a complete statement of the grievances of the country. Burdett professed himself delighted with their resolutions. "Westminster has . . . acquired great honor by the last meeting," he wrote Cartwright. "The resolutions, the petitions, the whole conduct is worthy, in my humble opinion, of the best times of the country, and cannot, I should think, fail to do us a great deal of good at this very important time. . . ."**

A similar meeting was held at Hackney 16 January, 1815,*** and again a meeting in Palace Yard 15 June. Here Burdett was in the chair, even though the High Bailiff had refused to give his consent to the meeting. Burdett did not think his consent necessary. Major Cartwright and Henry Hunt also spoke at the meeting. It was resolved that Burdett present to the House of Commons a petition in support of the "sacred right of petitioning and for promoting a radical reform of Parliament."****

The property tax was to expire 5 April, 1815, but the question of its renewal was first mentioned 18 November, 1814. At the beginning of the year the Chancellor of the Exchequer, Nicholas Van Sittart, under pressure of questions from Opposition explained that renewal would be unnecessary if the House agreed to other means of taxation.***** What these were he did not then announce. 20 February he delivered a long speech explaining the taxes which he believed should replace the property tax.****** These were assessed taxes (so called) among which were, for example, duties on inhabited houses, ser-

*Cartwright, *op. cit.*, vol. II, p. 93 *et seq.*
**Ibid.*
***The Times, 17 January, 1815.
****Ibid.*, 16 June, 1815.
*****Parliamentary Debates, vol. XXIX, p. 693.
******Ibid.*, vol. XXIX, pp. 853-871.

vants, under-gardeners, etc., and certain new duties, for example on windows in warehouses, on hot-houses, and on bachelors.* Burdett, as we have already noted, was apparently not in attendance in spite of his professed interest in the meeting of protest. Debate on the taxes was postponed again and again. Finally, 19 April, after the House had resolved itself into a committee of ways and means, Van Sittart made a complete *volte face* and recommended the renewal of the property tax. This was, as Whitbread pointed out, in spite of petitions against it, and the Chancellor's assertions to the contrary both in November 1814, and in February 1815.

Burdett spoke during the debate. He pointed out that it was not a tax on property but on income. It had been submitted to, when first proposed in 1806, as a temporary contribution to be paid perhaps for one year only. Burdett "was persuaded if this tax was again laid on, it would never be taken off."** The next day when leave was given to bring in a bill for "reviving the property tax" Burdett was absent.*** The bill came to its third reading 5 May, and again the baronet's name is missing from the list of the minority.****

The attack on the property tax—or, as Burdett and Cobbett called it, the income tax — had failed to secure redress. The attack was to be renewed much more vigorously when, as the time approached for its expiration, the Government proposed another renewal.

Meanwhile, in the spring of 1815, other Parliamentary matters interested Burdett. Opposition to the proposed corn-bill had been marked "out of doors". An attempt to secure a corn bill which would bring protection to the British farmer had been made in

*List of Taxes appears PARLIAMENTARY DEBATES, vol. XXIX, pp. 868-9.
**_Ibid._, vol. XXX, p. 681.
***_Ibid._, p. 714.
****_Ibid._, vol. XXXI, p. 167.

the late spring of 1814, but there had been great protest and the bill had been thrown out. Cobbett, though himself a farmer, had expressed his opposition: "As a grower of wheat I wish for none of this sort of protection." Laws, he pointed out, could not regulate the price of wheat, which would depend rather on the crop.* Both Francis Place and Henry Hunt claimed afterwards the credit for arousing opposition.** Though the bill proposed in 1814 failed, the idea was not abandoned, and Cobbett warned his readers in October that "I have no doubt that the corn bill is to be tried again and therefore I shall . . . make all the efforts I am able to prevent the adoption of so mischievous a measure."

He was correct in his forecast. Government took the first step 14 February, 1815.*** Several members usually in radical opposition were on this occasion Government supporters. Whitbread was one of the most outspoken. On the 28th a bill was brought in. Amendments were proposed but rejected 1 March. On the 3rd it passed its second reading and was ordered committed.**** So far Burdett had not spoken, nor, one believes, been present, for his name is missing from the lists of several minorities.

The House resolved itself into a committee on the corn bill 6 March. So unpopular was the bill under debate that the avenues of approach to the House were filled with troops, and *this,* Castlereagh informed the House, was to protect the members from violence. On the 10th, Burdett at last spoke on the question.***** He presented a petition signed by 42,473 inhabitants of Westminster. The petition is interesting as throwing light on the popular feeling of the time. It stated that the fortunate return of peace had led them to expect that the forced and unnatural state of things engendered by war would be cor-

*Political Register, vol. XXV, p. 657, Cobbett discusses the question, pp. 778, 801.

**Wallas, *op. cit.*, p. 57 note, Hunt, Henry, *op. cit.*, vol. III, p. 234 *et seq.*

***Parliamentary Debates, vol. XXIX, p. 739.

****Ibid., p. 1248.

*****Parliamentary Debates, vol. XXX, pp. 97-102.

rected but instead they noted with alarm that the House was passing bills still more restrictive of the manufacturing and trading interests.*

Burdett made the presentation of the petition an occasion for a speech quite in his old manner. Surely the House had begun to wonder and Government to rejoice at his long absences. He speaks now, he says, to state "my own sentiments on the subject of it [the Corn bill] with a view to correcting a great mistake that has gone abroad of my being a friend to the measure. I am, Sir, no supporter of the corn bill . . . [Yet] I think that none of those who think themselves interested in this measure are really interested in it." Government alone is interested in it, and that only as a means of bolstering up a system of taxation. But Burdett apparently is having some difficulty with his constituents, for he says: ". . . if I differ in opinion from some of my constituents, it is not with respect to the measure itself, but with respect to the remedy which they seek. As to the late riots I think it unworthy of any man that the public indignation should be directed to individuals of any description."

One cannot help but question whether Burdett has changed since 1810, or whether his disavowal of all violence was genuine then, and this proves it.

But Burdett cannot get interested in the Corn bill, because it is but an insignificant part of the whole system. He urged the people not to waste their efforts against this crude and futile measure. But he must justify himself: "I have been represented out of doors as having abandoned my former principles; it has been said that the landlord at length appears and the patriot disappears; that I have allowed myself to be swayed by private interest, and that it has stifled any other consideration."** The baronet says it makes no difference to him whether the bill passes

*Parliamentary Debates, vol. XXX, pp. 110-11. Cf. also, Jephson, *op. cit.*, vol. I, pp. 352-360.

**An echo of this is to be found in Hunt, *op. cit.*, vol. III, p. 235.

or not. His little kingdom has ever been on a peace basis. "If it passes I shall not raise my rents, and if it does not, I shall not lower them." From this Burdett proceeds to a plea for parliamentary reform. "I appeal to every member in the House, if any discussions on any subject proposed by the Ministry can be viewed in any other light than a mock debate, and if any man who sits in the seat which the noble lord opposite (Lord Castlereagh) occupies, cannot carry any measure he pleases by a large majority." Here perhaps is the cause of Burdett's indifference: the utter hopelessness of opposition.

But the baronet did criticise the Government for its constant use of dragoons to fire on citizens from ambuscade even when they were not rioting. He was certain the people were peaceable, for even though they belieevd him to be a supporter of the bill there had been no attack on him or on his house. The speech was as critical as ever it had been of the System, but the thing which impressed his hearers was his failure to oppose the corn bill. The reason did not concern them. The Speaker italicised in his diary that "He [Burdett] saw no objection to the corn bill."*

But the House saw objection to Burdett and an excited debate ensued. Castlereagh was extremely bitter.** He recalled the time when Burdett resisted legal authority in his house, and "now the baronet changes his tone: he who defends his family and property against a lawless mob if any accident occurs is guilty of murder, and he who defies the constitution and refuses obedience to the law, if lives be lost is a true patriot and loyal subject. . . ." Castlereagh was carried away by emotion, was "unable to speak without being in danger of doing violence to the widest limits of the freedom of debate." More than that, "If they (the opponents of the bill) followed the honorable baronet they would be swallowed in an abyss, for his opinions would shake to ruins the whole fabric of our constitution. . . ."

*Colchester, *op. cit.*, vol. II, p. 533.
**Parliamentary Debates, vol. XXX, pp. 103-106.

Other speakers supported Castlereagh, and when Burdett at length replied, he was equally angry. He asked the House to remember who it was who charged him with overturning the Constitution, "the noble lord who was himself detected in an act for which he ought to have lost his head; and by an uncorrupt House of Commons he would have been impeached and would have suffered. . . . But I can bear with patience the charge . . . that I wish to renovate the constitution because it has been, I am proud to say, the whole object of my life." When the baronet again spoke of the "disgraceful practices" of Castlereagh he was called to order. He replied that "he knew it was a breach of the orders of the House to use such language, and that he only wished it was a breach of truth."* Someone amid cries of "No! no!" said he thought Burdett's words should be taken down. The baronet replied that he was perfectly indifferent among the minority of 77.**

Once more Burdett succeeded in stirring the House from its usual complacence. Once more, if only for a few minutes, he held the center of the stage. And thanks to the affair of 1810, his words were not taken down. The members had learned that lesson. It was serious enough that the avenues should be guarded from the mob without giving it additional cause for demonstration.

As rather an anti-climax, the petition from Westminster was read and received, as were others presented chiefly by members who disclaimed all sympathy with the baronet. At the end of the debate, the bill passed its third reading. Burdett's name was among the minority of 77.***

After the corn bill debate in the Commons, Castlereagh under question revealed that Government had learned that Buonaparte had landed in France. Subsequent events in that country were

*Parliamentary Debates, vol. XXX, pp. 107-109.
**Ibid., p. 109.
***Ibid., p. 261.

the concern of the Allies at Vienna, and for the time being of the daily press. Parliament was involved because the plans of the Allies in the face of the new situation demanded supplies. Accordingly 6 April, Castlereagh presented a message from the Prince Regent. The danger of events in France was pointed out and the House was informed that orders had been given by Government for the increase of land and sea forces. Government also proposed to enter into negotiations with the Allies for a concert to provide for peace and security. The message was presented to the Commons when many of the members had not yet come down.*

The following day Castlereagh moved an address to the Prince Regent promising supplies and all the support that had been asked for in the Message. Burdett was the first to speak in reply to Castlereagh.** He found it impossible to concur in the address. Preparations for adequate defense he could understand, but if these preparations were for the purpose of plunging the country into another twenty years of war he would never consent. Government, he said, was interested

> in that detestable principle — the reestablishment of what were called legitimate sovereigns; as if nations belonged irrevocably to certain families. . . . Even in 1793 the purpose of reestablishing the Bourbons to the throne of France was dis-avowed by the minister of the day [Pitt] potent as he was. It was against that object that he now protested. Pitt had not been able to get the Bourbons to abolish the slave trade. Buonaparte whether from motives of virtue or policy had done it at once. The one talked; the other acted. . . . He (Burdett) had seen enough of the suffering of war to make him wish that it should be avoided in almost every possible case. At this period particularly and on this occasion it appeared to him most desirable that the country should not be plunged into it.

He felt that Napoleon was supported by the French people and "that it was a most abhorred and detestable principle to interfere in the internal concerns of another." One hardly needs to point out that Burdett was thus anticipating a principle fought for

*Parliamentary Debates, vol. XXX, p. 349. Whitbread's comment.
**Ibid.*, pp. 435-438.

in the nineteenth century and professedly one of the aims of the Allies a hundred years later. Indeed, Castlereagh himself adopted this view later.

Whitbread moved an amendment embodying the ideas of Burdett.* When at length a vote was taken, he found thirty-six others to support him, exclusive of the tellers. But Government had two hundred and twenty supporters; and Lord Castlereagh's address was accordingly adopted.**

Cobbett, like Burdett, was much opposed to the war. He believed that the merchant class, "rich men in trade of all kinds", was the group most eager for war. Accordingly he addressed a Letter to them.*** He told them bluntly that only the boroughmongers are more eager for war or more hostile to parliamentary reform. The connection between the objects is not very clear, but that never troubled Cobbett. He could connect parliamentary reform with anything. "This, [Parliamentary Reform] is a subject which will *now* force itself upon public attention. It must be discussed; in a few years it must be brought to an issue. . . ."****

On 22 May, 1815, the House of Commons received a message from the Prince Regent which stated that he had judged it necessary to enter into engagements with his allies to prevent the reestablishment of the Napoleonic system, and that he was submitting treaties made with this in view.***** Before the Message came up for debate, Sir Francis Burdett presented a petition from the inhabitants of Westminster which had been agreed upon at a meeting held the previous week.****** It stated

*Parliamentary Debates, vol. XXX, p. 451.
**Ibid., p. 463.
***Political Register, vol. XXVII, p. 513.
****Ibid., vol. XXVII, p. 518.
*****Parliamentary Debates, vol. XXXI, p. 295.
******Ibid., vol. XXXI, p. 391, Henry Hunt was present at the meeting and, according to his account, the hero of the occasion, Hunt, *op. cit.*, vol. III, pp. 259-60.

the injustice of a war for the purpose of interfering in the French choice of a sovereign. It prayed for a reform of Parliament on the ground of unjust taxes which "to the utmost endurance" were being borne. "Evil counsellors" had secured the reenactment of burdensome taxes.

Castlereagh objected to the petition's being received. Burdett replied that he wished Lord Castlereagh could prove that the opinions held out-of-doors were not correct. He continued,

> the opinion of the public, from the manner in which petitions were received in that House was that they might as well be thrown under the table as laid on it. . . . It would he his duty at some future time to bring the question of parliamentary reform before the House; but he would not do it until the period arrived when he should be supported out of doors in the undertaking in such a way as to induce the House to hear of its corruptions, . . . and to be told that they were in fact anything but the representatives of the people of England.

In spite of Burdett's plea, the petition was not received. What did the baronet mean by "in such a way"? Perhaps he did not know. When leaders began to use the methods of riot and tumultuous demonstration to impress the House, Burdett separated himself from the movement. But at this time, to members in fear of Jacobinism he must have been understood by his remark to mean riot, wild enthusiasm, perhaps revolt.

Cobbett expressed his approval of Burdett's conduct at the meeting at which the petition had been adopted. The baronet's continuing popularity is suggested in Cobbett's statement that a "train of reflections" which he wishes to lay before the public is addressed to Burdett "in order that they may have a better chance of possessing some little merit in the eyes of my readers."* He recalled that from the beginning Burdett had contended that the war would result in injury to England. The event had proved the truth of his contention.

*Political Register, vol. XXVII, p. 650.

It was the Pitt system which had continued the war. It had resulted only in preserving the church property, the feudal rights and titles, and the borough system. This, to Cobbett, was no success at all. "Both parties support the Pitt system when they are in office. Both are equally corrupt and equally indistinguishable."

When the Prince's message of 22 May was discussed, Burdett again expressed his opposition to entering a war "for the re-establishment in France of a family twice proscribed."*

The debates in the House of Commons between the time of Napoleon's landing in France from Elba and the recommencement of the war give little evidence of excitement. But the world out of doors was excited. Hunt describes the gradual realization of what was happening.** When at last word was received of Napoleon's restoration, Hunt illuminated his house "from top to bottom". It was this attitude which was seconded by Burdett and Cobbett.

Meanwhile the events of the "Hundred Days" were being rapidly enacted on the Continent. The Allies had no intention of accepting Napoleon's restoration even were it by the will of the French people. On 22 June London received the news of Waterloo. The following day amidst the greatest enthusiasm resolutions of thanks to Wellington, Blucher, and many of the subordinate officers were adopted by the House. Burdett is the only recorded speaker in addition to Castlereagh who played master of ceremonies. As usual, Burdett refused to be swept along in a current of enthusiasm. It was all very well to eulogize the army, he said. He concurred in that, but when Castlereagh talked about the justice of the cause, he could not agree. "Those who denied the justice of the cause, must either seem to acquiesce in the description given of it, or be compelled

*Parliamentary Debates, vol. XXXI, p. 430.
**Hunt, Henry, *op. cit.*, vol. III, p. 255.

to appear unwilling to acquiesce in a vote of thanks where it was so well deserved." Burdett also asked what was going to be done for the troops. He had two recommendations to make: first, for some more substantial reward than a vote of thanks, and secondly, an amelioration of the present military system. He trusted now that "gentlemen would not think that the English soldier who deserved so much of his country was the only soldier in the world for whom the degrading punishment of flogging was necessary."*

But although on succeeding days there were large grants of money voted to officers, there was no move to follow Burdett's suggestion for the rank and file. The Commons added to the possessions of those who already possessed. England existed for them. It was for them the war had been fought and won. The mass of the people lost in any event.

Burdett was not completely overpowered however. 15 June, we are told he held a meeting in Palace Yard, "and Lord Castlereagh returning from the finance committee on horseback was pursued through the streets by a mob, who proceeded afterwards to his house."** In August, while Buonaparte was a prisoner on board the *Bellerophon*, Burdett thought of standing forward to secure his liberty by procuring a writ of *Habeas corpus*. The baronet made a special visit to Romilly to know what he thought of such a scheme. But Romilly dissuaded him from a plan which he thought could do no good.***

With the war really over, in the summer of 1815, Sir Francis Burdett appeared to be unrepentant for his many radical schemes, a renegade from the complacency and stolidity of his class, and as such, as popular as ever he had been. But the first years of peace found him somehow unwilling to take the lead. He was a

*Parliamentary Debates, vol. XXXI, p. 988.
**Colchester, *op. cit.*, vol. II, p. 547. The Times, 16 June, 1815.
***Romilly, *op. cit.*, vol. III, p. 192.

tired crusader, and soon he was disgusted by the words and actions of leaders more extreme in their program than he. These leaders carried Cobbett with them, and all the power of his pen was withdrawn from the baronet. Yet this time of the beginning of peace was, one would think, the time for which Burdett had been waiting, the time when he would reach the peak of popular favor, and perhaps see the projects which he had so long sponsored transformed into statutes. As one reads the sources, however, one has to admit that it was not Burdett who changed, but his following. In that very fact lay the cause of his waning importance; Burdett *did* not change, consequently when people grew impatient with vain petitioning, and tried other methods to impress Government they found their former champion out of touch and out of sympathy.

We may conclude this brief account of his public career during the war years, with notice of one or two incidents which indicate the change.

During a long recess of Parliament from July 1815 to February 1816, there was little activity on the part of the radicals; there was little comment on Parliamentary reform in the Political Register. Burdett presented several petitions from various boroughs during the Spring of 1816.* Cobbett was pleased with his efforts at this time, slight as they were. He took occasion in several of the "Letters to the People of the United States" which were appearing in the Register to praise the baronet.** In August, 1816, a meeting was called by the Duke of York and others at the London Tavern for the purpose of considering the "distresses" in the country.*** Burdett was not present; the chief radical spokesman was Lord Cochrane. A week later Cobbett addressed a letter to Burdett which began: " 'What does Sir Francis Burdett say?' — 'What does Sir Francis mean to do?'

*Parliamentary Debates, vol. XXXIII, pp. 1023-1025, p. 1162; vol. XXXIV, pp. 369-70.

**Political Register, vol. XXX, pp. 518, 653.

****Ibid.*, vol. XXI, p. 72.

. . . That, I hear asked go where I will, and I verily believe that that time so long foretold by me, is now at hand when more will depend on your exertions and your influence than on those of all the rest of the public men in England. . . . The fault which most people now find is, that you appear *so patient.*"*

Cobbett is anything but patient, and his quarrel with Burdett which did not really occur until the spring of 1817 seems to be clearly forecast here.

On 12 October, 1816, there appeared a long letter to Burdett in the REGISTER with the heading: "What good would a reform of Parliament now do?"** This was the first issue of which a cheap two-penny run-off was made.***

During the autumn there were numerous meetings throughout the provinces to advocate reform. These meetings were usually accompanied by a certain amount of rioting, raiding of bakers' shops, and the demonstrations of a population all too often in actual want.**** Disorder was sure to reach the metropolis. The first occasion for it was a great meeting at Spa fields. A second meeting was held 2 December, 1816. This was connected in the press with an attack on a munitions shop and an attempt to seize the Tower.***** The second meeting became the chief basis for those repressive measures of Government known as the Four Acts which were passed the following Spring. Burdett stood aloof from these meetings; and when it was resolved at the second one that he should present their petition to the Prince Regent, Henry Hunt who had made himself the chief spokesman, was to accompany the baronet. But when Hunt wrote to Burdett

*POLITICAL REGISTER, vol. XXXI, p. 109. Mr. Patterson quotes a sentence of this letter in which Cobbett praised Burdett for his work in the past, but fails to point out that this was linked with blame for Burdett.

***Ibid.*, vol. XXXI, p. 337.

***Cole, *op. cit.*, pp. 206-07.

****Cf.* Jephson, *op. cit.*, vol. I, p. 373, *et seq.*

*****Hunt, *op. cit.*, vol. III, pp. 337-342, 354-55, 443-448, Jephson, *op. cit.*, vol. I, *passim.*

informing him of their duty, Burdett replied in part that he was "determined not to be made a cat's paw of, and not to insult the Prince Regent."*

Henry Hunt was ready to consider this an insult; but Cobbett and Cartwright dissuaded him for they were anxious not to do anything to risk the loss of Sir Francis Burdett's support for the petitions which were being prepared to be sent up to Parliament from all parts of the country.**

Burdett, however, was either annoyed by the attempt to draw him into the proceedings of the Spa Field's meeting or else was indifferent to them. He failed to take any part in the popular agitation which preceded the opening of Parliament 28 January, 1817.

At the end of 1816 and again during the first days of the new year, the Hampden Club of London had issued invitations to the Hampden clubs in the provinces to send delegates to London to arrange for the presentation of petitions which they had been preparing, and also to discuss a Bill embracing the results sought for by the organizations.*** The number of delegates was not great, some 17 or 18 had been "elected"; others assumed the title without any nomination.**** Cobbett says that at the opening of Parliament there were about 70 persons in London from different parts of the country.***** A meeting of them was held 23 January at the Crown and Anchor. Burdett was not present.****** Cartwright and Cobbett attempted to have the delegates do nothing that the baronet would be opposed to. But

*Hunt, *op. cit.*, vol. III, p. 354, quotes last sentence. Patterson, *op. cit.*, vol. II, p. 415, quotes the letter in full.

**Hunt, *op. cit.*, vol. III, p. 354.

***There is an excellent summary of these clubs in Davies, THE AGE OF GREY AND PEEL, pp. 167-195.

****Jephson, *op. cit.*, vol. I, p. 390.

*****POLITICAL REGISTER, vol. XXXII, p. 619.

******He was fox-hunting in Leicestershire, Patterson, *op. cit.*, vol. II, p. 418.

Hunt and others from the provinces were disgusted at the baronet's absence and urged the delegates to adopt the principle of universal suffrage.* At the end of the meeting such a resolution was adopted. This Burdett was known to oppose.

The significance of this lies in the fact that not only were Cobbett and Hunt in disagreement with the baronet, but that delegates from all over the country were in agreement with them. They found, too, that Burdett's leadership, his presence, was not indispensable. Instead, they persuaded, almost compelled, Lord Cochrane, on the day of the opening, to carry the petitions to the House of Commons. Burdett was to have done this, but he did not come up to town until the afternoon, and drove straight to the House.

During March of this year, when Government had taken action to suppress all agitation, Burdett presented 600 petitions for reform which he said were signed by nearly a million individuals. But during the whole procedure on these petitions Burdett's conduct was weak and illogical. He was presumably attempting to satisfy public opinion by pretending to fight for their acceptance, but the pretense was apparent.**

There was one more duty to the performance of which Burdett was urged by public opinion: a motion on the subject of a reform of Parliament. This he undertook 20 May, 1817. But again he disappointed his followers. He began his speech by commenting on the difficulties of his position, not a very vigorous introduction. He concluded by moving a select committee to take into consideration the state of the Representatives of the people in parliament.*** Burdett's supporters in the House called his speech moderate and temperate; but Cobbett had noth-

*Hunt, *op. cit.*, vol. III, p. 410, *et seq.* Bamford's PASSAGES IN THE LIFE OF A RADICAL, p. 17 *et seq.*

**PARLIAMENTARY DEBATES, vol. XXXV, pp. 859, 991, 1004. Colchester, *op. cit.*, vol. II, p. 605.

****Ibid.*, vol. XXXVI, pp. 704-729.

ing but scorn for it.* What was more striking it marked Burdett's return to cordial relations with the Whigs, though they did not have his active cooperation at all times.**

Before the session closed the baronet presented several petitions for the redress of grievances of one kind or another. In the course of one of these he attacked the spy system which Government was using so widely at the time.

In the autumn of 1817, Cobbett began his bitter attacks on the baronet in the POLITICAL REGISTER. They were written in America, where Cobbett had gone before the threatened interference from the Four Acts.

During the Spring, Burdett dallied with the idea of reform. He was in correspondence with Jeremy Bentham, and in conversation with Major Cartwright.*** A meeting of the inhabitants of Westminster was held in March, for the purpose of petitioning Parliament for reform. But at the meeting Burdett again antagonized the enthusiasts by his address. In the course of it he said: ". . . If his past conduct did not satisfy them that he would incorruptibly and to the best of his ability exert himself to obtain, establish, and secure the liberty of his countrymen, he should attempt in vain to satisfy them by professions. . . ."**** But it was this rather superior attitude which critics were beginning to dislike in Burdett.

As a result of meetings and correspondence with Bentham, Burdett presented a specific plan of reform to the House of Commons 2 June, 1818. It embodied all the most radical demands which Cobbett and Henry Hunt had urged. But the proposal was a year late, and met with little if any response from the public.

*POLITICAL REGISTER, vol. XXXII, p. 1153 *et seq.*

**Holland, FURTHER MEMOIRS, p. 254.

***Bentham, *op. cit.*, vol. X, p. 492 *et seq.* Hardy, *op. cit.*, vol. I, p. 321, *et seq.*

****THE YELLOW DWARF, vol. I, p. 99.

This was the program of reform that people had looked for when Burdett had moved merely for a committee. Then there had been hundreds of petitions lying on the table of the House; now, Hunt said (though mistakenly), there were none.* Now that Burdett actually presented a specific plan of reform, he could get only his own vote and that of Lord Cochrane, who had seconded it.**

The divorce of Burdett from the popularity which had attended him since the first Westminster election in 1807 seemed to be complete when once more he was candidate for re-election before the month of June was out. At the end he was but second on the poll, and that only through two candidates withdrawing in his favor.***

The withdrawal of the names of Kinnaird and Cartwright as candidates took place after the third day of voting when Romilly had polled 1276 votes, Maxwell, the Government man, 1241, and Burdett stood at the bottom with only 484. The committee which had originally been organized by Francis Place was again functioning under his leadership. The committee tried hard to persuade Burdett to appear on the hustings. This, it will be recalled, he had done in 1804, but this he had consistently refused to do at Westminster. He once more refused.

> My object has been not to find a seat, but a public . . . the patriotism, spirit, and intelligence of the citizens of Westminster have long presented to the creatures of corruption an object that 'seared their eyeballs'; they started at it 'like a guilty thing upon a fearful summons.' Such was the effect produced by your (the committee's) spontaneous exertions. . . . The reverse of this picture would be a sad spectacle! if however the people of Westminster are unequal to the task of sustaining the noble attitude they have taken, if it is but a semblance of patriotism and virtue that has been assumed, I am the most unfit person upon earth to strive to uphold a cheat.****

*Hunt, *op. cit.*, vol. III, p. 521. There was one petition.

**Parliamentary Debates, vol. XXXVIII, pp. 1118-1149, 1185.

***Cartwright, *op. cit.*, vol. II, p. 140 *et seq.*, Romilly, *op. cit.*, vol. III, p. 356 *et seq.*, Hunt, *op. cit.*, vol. III, p. 526 *et seq.*

****Patterson, *op. cit.*, vol. II, p. 459.

This statement hardly needs comment. Burdett reveals, apparently with complete sincerity that throughout his career it has been his interest in principle which has led him on. The story of that career bears out the conclusion.

But the public wanted more show, more excitement, shall we say, more self-advertisement. Westminster remained faithful to Burdett for many years. But the possibility of his arousing general public approval had passed. No better proof of that was the lack of any popular enthusiasm for Burdett's "Letter to the Electors of Westminster" following the Manchester "Massacre".* True, once more Burdett went to prison for writing the letter, but there was no burst of nation-wide popular indignation such as had attended the affair of 1810.

Of the crusader's weariness of the cause and of the fight does one need more proof than the following which he wrote 10 June, 1821, to his friend Henry Bickersteth: ". . . I begin to grow very aristocratic; there is no dealing in important matters but with gentlemen — men of education. I don't mean by that name reading and writing, or knowledge of the learned languages, but men of generous mold. . . ."?** The attitude here expressed was to be increasingly adopted by Burdett in the years which followed.

*The Black Dwarf, vol. III, p. 549.
**Hardy, *op. cit.*, p. 259.

BIBLIOGRAPHY

I. Contemporary Sources.

1. in manuscript.

1. Additional Manuscripts: 27, 839, ff. 36, 39, 39b, 40b, 54b, 149b, 158, 159b.

2. Home Office Papers; 42/106, 42/107.

2. printed.

1. Parliamentary History, volumes XXXIII-XXXVI. Parliamentary Debates, volumes I - XXXVIII.

2. Newspapers and periodicals.

1. Annual Register.

2. Bell's Weekly Messenger.

3. The Black Dwarf.

4. The Brazen Trumpet.

5. The Examiner.

6. Hone's Reformists' Register.

7. The Monthly Review.

8. The Monthly Panorama.

9. The Morning Chronicle.

10. The People.

11. The Political Register, also called Cobbett's Weekly Political Register.

12. The Times.

3. Pamphlets.

1. Anonymous, Adultery and Patriotism, A short letter to Sir Francis Burdett by an elector of Westminster and one of his constituents. London, 1811.

2. Sketch of the Life of Sir Francis Burdett, Bart., with the Letter to his Constituents and Arguments thereon, Summary of the Debates in Parliament, with an Account of the Baronet's Committment, &c., &c. London, 1810.

3. Bannantine, Opinions of His Majesty's Ministers respecting the French Revolution, the War, Etc., London, 1801.

4. Burdett, Sir Francis, Address to the Prince Regent, Etc., London, 1812.

5. Sir Francis Burdett to his Constituents, Denying the Power of the House of Commons to Imprison the People of England, London, 1810.

6. Full Report of the Speeches of Sir Francis Burdett at the Late Election. London, 1804.

7. Burdett's Tracts, A collection of Pamphlets relating to the imprisonment of Sir Francis Burdett, 1810.

8. Tooke, John Horne, A Letter to the Editor of the Times, London, 1807.

9. A Warning to the Electors of Westminster, London, 1807.

4. Writings of contemporaries.

1. Albemarle, Earl of, Fifty Years of My Life, 2v. London, 1876.

2. Bamford, Samuel, Passages in the Life of a Radical, London, 1844.

3. Bentham, Jeremy, Works Vol. X, containing correspondence, Edinburgh, 1843.

4. Brougham, Henry, Life and Times, written by Himself, 3v. London, 1871.

5. Broughton, John Cam Hobhouse, Lord, Recollections of a Long Life. 6v. London, 1905-1911.

6. Byron, George Gordon, Lord, Letters and Journals, R. E. Protheroe, ed., 5v. London, 1899.

7. Buxton, Sir Fowell, Memoirs, edited by his son, London, 1848.

8. Cartwright, John, Life and Letters of Major John Cartwright, 2v. London, 1826.

9. Cockburn, Henry, Memorials of his Time, London, 1909.

10. Colchester, Charles Abbot, Lord, Diary and Correspondence, edited by his son, London, 1861.

11. Creevy, Thomas, Papers, 2v. London, 1904.

12. Dundonald, Thomas Cochrane, Tenth Earl of, Autobiography of a Seaman. London, 1860.

13. Farington, Joseph, Diary, edited by James Grieg, 6v. London, 1922-26.

14. Field, W., Memoirs of the Life, Writings and Opinions of Rev. Samuel Parr, London, 1828.

15. Granville, Leveson-Gower, Lord, Private Correspondence. 2v. New York, 1916.

16. Hardy, T. D., Memoirs of Henry, Lord Langdale, London, 1852.

17. Hazlitt, W., Political Portraits, London, 1819. Spirit of the Age, London, 1825.

18. Holland, Elizabeth, Lady, Journal, 2v., London, 1908.

19. Holland, Lord, Memoirs of the Whig Party, 2v. London, 1852-4.

20. Further Memoirs, London, 1905.

21. Hunt, Henry, Memoirs, 3v., London, 1820.

22. Hunt, Leigh, Autobiography, London, 1885.

23. Jackson, Sir George, Diaries and Letters, 1801-1809, 2v. London, 1872.

24. Further Letters, 1809-1816, London, 1873.

25. Melville, Life and Letters of William Cobbett, 2v. London, 1913.

26. Madden, R. R., Literary Life and Correspondence of the Countess of Blessington, 2v. London, 1855.

27. Moore, Thomas, Memoirs, Journals and Correspondence. London, 1853-56.

28. Pellew, G., Life and Correspondence of Lord Sidmouth, 3v. London, 1847.

29. Romilly, Sir Samuel, Memoirs, 3v. London, 1840.

30. Russell, Lord John, Memorials and Correspondence of Charles James Fox, 3v. London, 1853-57.

31. Stanhope, Lady Hester, Memoirs, London, 1845.

32. Life and Letters, London, 1914.

33. Stephens, A., Memoirs of John Horne Tooke, London, 1813.

34. Tegg, Thomas, Memoirs of Sir Francis Burdett, London, 1804.

II. Non-contemporary Sources.

1. Secondary accounts containing documentary material.

1. Atkinson, R. H. M. B. and Jackson, G. N., Brougham and his early Friends, 3v., London, 1908.

2. Carlile, E. I., Life of William Cobbett, London, 1904.

3. Cole, G. D. H., Life of William Cobbett, London, 1925.

4. Coleridge, E. H., Life of Thomas Coutts, London, 1920.

5. Jennings, L. J., Life and Correspondence of J. W. Croker, London, 1884.

6. Patterson, M. W., Sir Francis Burdett and his Times, 2v., London, 1931.

7. Stirling, A. M. W., Coke of Norfolk and his Friends, London, 1908.

8. Trevelyan, G. M., Lord Grey of the Reform Bill, London, 1920.

9. Wallas, G., Life of Francis Place, rev. ed., London, 1919.

10. Walpole, Spencer, LIFE OF THE RT. HONOURABLE SPENCER PERCEVAL, 2v. London, 1874.

2. General Works, purely secondary.

1. Allen, Joseph, LIFE OF THE EARL OF DUNDONALD, London, 1861.

2. Aspinall, A., LORD BROUGHAM AND THE WHIG PARTY, London, 1927.

3. Davis, H. W. C., THE AGE OF GREY AND PEEL, Oxford, 1929.

4. Fremantle, A. F., England in the Nineteenth Century, 1800-1805, New York, 1929.

5. England in the Nineteenth Century, 1806-1810, New York, 1930.

6. Halevy, Elie, FORMATION DU RADICALISME PHILOSOPHIQUE, 3v. Paris, 1901-04.

7. Harris, W., HISTORY OF THE RADICAL PARTY IN PARLIAMENT, London, 1885.

8. Jephson, H., THE PLATFORM, 2v. London, 1892.

9. Oldfield, T.H.B., REPRESENTATIVE HISTORY OF GREAT BRITAIN AND IRELAND, 6v. London, 1816.

10. Stephen, Leslie, THE ENGLISH UTILITARIANS, 3v. London, 1900.

11. Veitch, G. S., THE GENESIS OF PARLIAMENTARY REFORM, London, 1913.

SCHLECHTER'S PRINTERS
540 HAMILTON STREET, ALLENTOWN, PA.